

Exhibit D

1
2 H I G H L Y C O N F I D E N T I A L
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

-----x

5 UNITED STATES, et al.,

6 Plaintiffs,

7 vs.

Case No.

1:23-cv-000108

8 GOOGLE LLC,

9 Defendant.

-----x

10
11
12 HIGHLY CONFIDENTIAL
13 REMOTE/ORAL/WEB VIDEOCONFERENCE
14 VIDEOTAPED DEPOSITION OF JAMES GLOGOVSKY
15 Friday, August 25, 2023
16 9:11 a.m.

17
18
19
20
21
22
23 Reported by:

Jennifer Ocampo-Guzman, CRR, CLR

24
25 Job No. CS6072653

August 25, 2023

9:11 a.m.

HIGHLY CONFIDENTIAL

Remote/Oral/Web Videoconference

Videotaped Deposition of JAMES

GLOGOVSKY, held via Zoom Web

Videoconference, pursuant to subpoena,

before Jennifer Ocampo-Guzman, a

Certified Realtime Shorthand Reporter

and Notary Public of the State of New

Jersey.

A P P E A R A N C E S:

UNITED STATES DEPARTMENT OF JUSTICE
Attorneys for Plaintiff United States
325 7th Street, Suite 300

Washington, DC 20004

BY: JEFFREY VERNON, ESQ.

DIANA HENRY, ESQ.

RACHEL HANSEN, ESQ.

LEVI MARKS, ESQ.

NEW YORK STATE OFFICE OF THE ATTORNEY
GENERAL

Attorney for Plaintiff State of New York
28 Liberty Street

New York, New York 10005

BY: MORGAN FEDER, ESQ.

1
2 APPEARANCES (Continued):

3
4 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

5 Attorneys for Defendant Google LLC

6 1285 Avenue of the Americas

7 New York, New York 10019

8 BY: ERIN J. MORGAN, ESQ.

9 ELIZABETH NORFORD, ESQ.

10
11
12 THE NEW YORK TIMES

13 Attorney for The New York Times and the

14 Deponent

15 620 Eighth Avenue

16 New York, New York 10018

17 BY: DEMETRI BLAISDELL, ESQ.

18
19
20 ALSO PRESENT:

21 MARC FRIEDMAN, Videographer
22
23
24
25

1 HIGHLY CONFIDENTIAL

2 THE VIDEOGRAPHER: Good morning.

3 We are going on the record at 9:11 a.m.
4 on Friday, August 25, 2023. Please note
5 this deposition is being conducted
6 virtually. Quality of recording depends
7 on the quality of the camera and
8 internet connection of all participants.
9 What is heard from the witness and seen
10 on screen is what will be recorded.
11 Audio and video recording will continue
12 to take place unless all parties agree
13 to go off the record. This is media
14 unit number 1 of the video-recorded
15 deposition of James Glogovsky in the
16 matter of United States, et al., versus
17 Google LLC. This case is filed in the
18 United States District Court, Eastern
19 District of Virginia, Alexandria
20 division, case number 1:23-CV-00108.

21 My name is Marc Friedman. I'm the
22 certified video legal specialist and
23 your court reporter today is Jennifer
24 Guzman and we are both from the firm of
25 Veritext Legal Solutions. I'm not

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 related to any party in this action, nor
3 am I financially interested in the
4 outcome. If there are any objections to
5 these proceedings, please state them
6 now.

7 Hearing no objection, counsel will
8 be noted on the stenographic record.

9 At this time our court reporter
10 will swear in our witness and we can
11 proceed.

12 J A M E S G L O G O V S K Y, called as a
13 witness, having been duly sworn by a Notary
14 Public, was examined and testified as
15 follows:

16 EXAMINATION BY

17 MS. MORGAN:

18 Q. Good morning, Mr. Glogovsky. We
19 met right before we started, but I'm Erin
20 Morgan. I work at a law firm called Paul
21 Weiss and I represent Google in this case.

22 Have you ever been deposed before?

23 A. Yes.

24 MS. MORGAN: I'm getting a little
25 bit of a delay. Is anybody else getting

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. I studied at Southern Illinois
3 University in Carbondale, Illinois.

4 Q. What did you study?

5 A. Finance.

6 Q. And what did you do after college?

7 A. I began working at the Weather
8 Channel, in media.

9 Q. And I'm sorry. I didn't hear --
10 oh, in media, okay.

11 How long were at the Weather
12 Channel?

13 A. A little over five years.

14 Q. And then where did you go after
15 that?

16 A. I went to a startup.

17 Q. What kind of start up?

18 A. It was an agency startup, for
19 media.

20 Q. Like an ad agency?

21 A. Yes.

22 Q. What was that agency called?

23 A. Anthro Agency.

24 Q. And what did you do there?

25 A. I was director of strategy and

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 operations.

3 Q. What kind of strategy were you
4 directing?

5 MR. BLAISDELL: Object to the form
6 of the question.

7 A. Largely media strategy work.

8 Q. When you say media, what are you
9 referring to?

10 A. Display and social media, across a
11 handful of platforms.

12 Q. What kind of platforms?

13 A. Ad buying platforms.

14 (Discussion off the record.)

15 MS. MORGAN: Maybe you could just
16 try to speak up. Okay.

17 Q. What ad buying platforms?

18 A. There were a number of them.

19 Mostly, the predominant ones in social and
20 display media --

21 (Discussion off the
22 record.)

23 MS. MORGAN: Can we go off the
24 record again and try to troubleshoot
25 this. I don't want to use time on the

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 record to work on the audio.

3 THE VIDEOGRAPHER: Standby, the
4 time is 9:21 a.m. We're going off the
5 record.

6 (A brief recess was taken.)

7 THE VIDEOGRAPHER: The time is
8 9:26 a.m. and we are back on the record.

9 Q. Okay. After another audio break, I
10 think we're ready to continue. Right before
11 the break, you were saying, I think that at
12 your previous job, at an ad agency, you
13 directed strategy related to ad buying in
14 social media and display media; is that
15 right?

16 A. Yes.

17 Q. Okay. What type of, can you give
18 me just like a couple of examples of the
19 platforms you were buying on?

20 A. We were primarily buying on DB,
21 Google's buying platform.

22 Q. Okay. When did you come to The New
23 York Times?

24 A. I joined The New York Times in
25 2017, I believe in August.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Was there anything between the ad
3 agency and New York Times?

4 A. I worked at Vice Media.

5 Q. What did you do at Vice?

6 A. I was director of revenue
7 operations.

8 Q. And what did that entail?

9 A. It included the responsibilities of
10 managing our monetization efforts around
11 programmatic, also the pricing and inventory
12 responsibilities for our direct business and
13 then also managing a lot of our data
14 operations to ensure that we had accurate
15 forecasting.

16 Q. It's a lot of things.

17 Okay. So you came to The New York
18 Times in 2017. What was your role when you
19 came to the Times?

20 A. I started at The New York Times as
21 director of yield.

22 Q. What did that role entail?

23 A. Primary responsibilities was the
24 pricing and inventory for our direct
25 business.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. How has your role changed over
3 time, just briefly?

4 A. My role has evolved and changed
5 periodically. I went from director of yield
6 to now vice president of revenue operations
7 and analytics, which has a broader remit.

8 Q. What is that broader remit, what's
9 your -- what do you do now?

10 A. I still oversee digital direct
11 pricing and inventory, with the additions of
12 our print business, also custom pricing,
13 sales planning or media planning, ad
14 operations and solutions and programmatic.

15 Q. I think you said this, but you do
16 that across digital and print?

17 A. That is correct.

18 Q. Okay. I am going to come back to
19 that.

20 But I want to start by asking
21 whether you're aware that between the fall of
22 2019 through 2021 the Department of Justice
23 conducted an investigation into Google's ad
24 tech business. Are you aware of that?

25 A. I am aware.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 realtime as saying something that I was
3 saying that I did not.

4 (Discussion off the record.)

5 MS. MORGAN: I want to move on to
6 talking about a topic that I think will
7 not surprise you that we are going to
8 cover, which is advertising.

9 Q. Does The New York Times make money
10 by selling ad space?

11 A. Yes.

12 Q. Does The New York Times print ads?

13 A. Yes.

14 Q. Did The New York Times also sell
15 digital ads?

16 A. Yes.

17 Q. Where do digital ads run?

18 A. Digital ads run across our many
19 surfaces, both web and app base.

20 Q. When you say "web," is that
21 NewYorkTimes.com or is there some other
22 aspect of the web?

23 A. That is NewYorkTimes.com, along
24 with our games, cooking, athletic.

25 Q. Are there individual apps for

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 games, cooking and the athletic?

3 A. Yes.

4 Q. And is there also a New York Times
5 app?

6 A. Yes.

7 MS. MORGAN: I will confess. I
8 have all of those apps.

9 Q. Digital ads, do digital ads run on
10 all of those different apps?

11 A. Yes.

12 Q. Does The New York Times run ads
13 during its podcasts?

14 A. Yes.

15 Q. Is that considered part of digital?

16 A. We classify audio as part of
17 digital.

18 Q. Does The New York Times run e-mail
19 ads?

20 A. Yes.

21 Q. Are those also classified as part
22 of digital?

23 A. Yes.

24 Q. Any other things that fall into
25 that digital category that you can think of?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. We also have a video business
3 within the web and apps, and that would be
4 considered digital as well. And we also have
5 a custom or a branded content studio which
6 produces mostly digital content, which would
7 also be classified as digital.

8 Q. Does the -- where does the branded
9 content run?

10 A. Largely on NewYorkTimes.com.

11 Q. And is the -- when you refer to the
12 branded content, are you talking about The
13 New York Times branded content or content for
14 other advertisers?

15 A. It is mostly other advertisers'
16 content that we help craft with them.

17 Q. I'm going to come back to this,
18 because there is a lot to unpack here.

19 But generally, who advertises on
20 New York Times' properties?

21 MR. BLAISDELL: Object to the form
22 of the question.

23 A. It's a broad-based number of
24 advertisers across a number of categories.

25 Q. Do advertisers typically buy only

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Objection to form.

3 A. It's a difficult question. We
4 typically receive RFPs from an agency or an
5 advertiser that has a number of desires or
6 stipulations in which they're trying to
7 accomplish. They may produce that they are
8 soliciting RFPs from a number of different
9 publishers, but it does vary greatly
10 depending on the agency and advertiser.

11 Q. Okay. Let's take a look at a
12 document, which is Bates stamped
13 NYTGOOGADTECH 0004.

14 MS. MORGAN: Libby, can you put
15 that in the exhibit? Okay. This is
16 going to be our next great tech
17 experiment, if we can get this document
18 to work.

19 (Discussion off the record.)

20 MS. MORGAN: Oh, yes, refresh the
21 folder.

22 MR. VERNON: I don't see it yet.
23 Oh, there we go.

24 MS. MORGAN: Okay, great.

25 (NYT Exhibit 1, Document entitled,

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 "Ad Leadership Update-March4," Bates
3 Nos. NYTGOOGADTECH00000004 through
4 NYTGOOGADTECH00000019, marked for
5 identification, this date.)

6 Q. Mr. Glogovsky, do you see that
7 exhibit in the folder?

8 A. I do not.

9 Q. Did you try refreshing it?

10 MR. VERNON: It worked for me, but
11 it's only loaded in part.

12 MS. MORGAN: Can we go off the
13 record while we get it loaded.

14 MR. BLAISDELL: That's fine with
15 me.

16 THE VIDEOGRAPHER: Standby, please.
17 The time is 9:57. We are going off the
18 record.

19 (A brief recess was taken.)

20 THE VIDEOGRAPHER: The time is
21 10:01 and we are back on the record.

22 Q. Mr. Glogovsky, you should have a
23 document in front of you that's titled "Ad
24 Leadership Update-March 4." Do you see that?

25 A. Yes.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Do you recognize this document?

3 A. Yes.

4 Q. What is it?

5 A. It is an update for our ad
6 leadership team dated March 4th which we
7 regularly produce in general practice.

8 Q. So these, are these documents
9 created in the normal course of The New York
10 Times business?

11 A. In the normal course, yes.

12 Q. Do you participate in -- well, I
13 guess I should ask, is this a presentation
14 that's delivered?

15 A. Can be a presentation. It also
16 does not always lead to a presentation.

17 Q. Do you participate in drafting
18 these kind of decks?

19 A. Generally, yes.

20 Q. Do you remember if you participated
21 in drafting this deck?

22 A. I --

23 Q. It's -- if you don't know, it's a
24 while ago.

25 A. I don't know specifically for this

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 one.

3 Q. It's such like a weird feeling to
4 be like I'm being shown documents from years
5 ago and someone wants me to say if I wrote
6 it. Like, it's okay. Okay.

7 Let's take a look at page 3, which
8 is Bates stamped with the end Bates 0006. Do
9 you see that?

10 A. Yes, yes.

11 Q. What is this chart showing?

12 A. This chart is an update of our
13 revenue position as of the time of this deck
14 was created, broken out at this time by the
15 product categorizations that we have within
16 the ad department.

17 Q. At the top there is three blue
18 lines that say, "Total Advertising, Print"
19 and "Digital." Do you see that?

20 A. I do.

21 Q. Are print and digital the primary
22 categories of ads available on New York
23 Times' properties?

24 A. At the time of this document's
25 creation, yes, those were the two primary

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. What falls into the digital and
3 custom category?

4 A. Products that fall within the
5 digital and custom is the digital display,
6 programmatic, video, e-mail, podcasts,
7 branded content which is produced by T-Brand.

8 Q. Does The New York Times, I think
9 you said that these kind of updates are given
10 periodically; is that right?

11 A. Yes, periodically.

12 Q. Do your periodical periodic
13 reportings of ad revenue always encompass
14 both print and digital?

15 MR. BLAISDELL: Object to the form.

16 A. When we are providing a holistic
17 view of the advertising department's revenue
18 and business, we do typically provide both
19 digital and print in those updates.

20 Q. Okay. Let's focus on digital.

21 Based on this chart -- well, let's
22 say this, under the "Digital" line item there
23 are a bunch of different rows starting with
24 "Display." Do you see that?

25 A. I do.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Okay. The first line says,
3 "Display Total," and then under that there's
4 a line that says, "Direct Banners & PG." Do
5 you see where I am on the chart?

6 A. I do.

7 Q. What are direct banners and PG,
8 what is that category?

9 A. Direct banners and PG are the
10 display ads on, running on The New York
11 Times' properties that are directly sold to
12 our advertisers through a typical insertion
13 order and have not been procured in a
14 nonguaranteed manner.

15 Q. What's the difference, is there a
16 difference between direct banner and PG?

17 MR. VERNON: Objection, leading.

18 A. We have classified direct banner
19 and PG under the same, because that has a
20 direct relationship with either the
21 advertiser and/or agency, and we have grouped
22 them together for that purpose.

23 Q. What does "PG" stand for?

24 A. PG stands for programmatic
25 guarantee.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. And what is programmatic guarantee?

3 A. Programmatic guarantee is the
4 technology provided by a number of ad
5 technology companies to allow agencies to
6 directly sell ads through a virtual or
7 digital insertion order into the publisher
8 and The New York Times ad server and buying
9 products that are similar to the direct
10 business and typically, or actually always
11 have a guaranteed contractual value and
12 impressions.

13 Q. You said that direct banners and PG
14 run across The New York Times' properties.
15 What properties are you referring to?

16 A. The digital banners that are
17 directly sold typically run on the
18 NewYorkTimes.com and their associated apps
19 and web views, and they also include,
20 oftentimes, our other properties such as
21 cooking or games, depending on the available
22 ad experience at the time of this document,
23 and sends them.

24 Q. Do they run for cooking and games,
25 do they run also on the cooking games apps?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. It's a nuanced answer. Typically
3 we do try and deliver ads across all of the
4 available surfaces and properties of The New
5 York Times, but not all of the surfaces are
6 exactly the same or have the same ad
7 experience. So there may be surfaces of a
8 specific game or cooking, or what have you,
9 that may not have an ad experience or
10 equivalent to what we have on The New York
11 Times' property.

12 Q. What about The New York Times' app,
13 like the news app, does that include direct
14 banner and PG?

15 A. The New York Times' app does
16 include direct banners and PG.

17 Q. Does New York Times have the
18 flexibility to change the volume of ads it
19 serves on NewYorkTimes.com versus The New
20 York Times' apps?

21 MR. VERNON: Objection, leading.

22 MR. BLAISDELL: Object to form.

23 A. The New York Times does have the
24 capability of adjusting the ad experience and
25 the quantity or density of ads in any of our

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 from The New York Times' website on to the
3 app.

4 So the question I asked is: If
5 display ads on The New York Times became
6 prohibitively expensive, could The New York
7 Times start serving the display ads that were
8 on the website on its app?

9 MR. VERNON: Same objections.

10 MR. BLAISDELL: Object to the form.

11 A. It is a difficult answer or
12 question to answer. Our -- we take great
13 pride in both approaches on how many ads we
14 serve in any of our properties, and we want
15 to make sure that it's not disruptive, and
16 also the cost implications would not be a
17 reason why, exclusive reason why we would
18 make a change such as that.

19 Q. Are there other reasons you might
20 shift available ad space from the web to the
21 apps?

22 MR. VERNON: Objection, leading.

23 MR. BLAISDELL: Object to the form.

24 A. For ads specifically, there would
25 be not many reasons why it should do that.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Obviously if apps ads performed better, and
3 we wanted to move in that direction for our
4 advertisers and demand in the market shifted,
5 those would be reasons that we would
6 consider, but not determine completely if we
7 would make that change or not.

8 Q. Are there other reasons you would
9 consider making the change?

10 A. Not that I'm aware of.

11 Q. The second row in this document,
12 right under where we were before, it says,
13 "Programmatic-Open/PMP." What is that
14 category describing?

15 A. That category is describing the
16 open auction and PMP revenue that we earn
17 from a number of our ad tech providers, SSPs
18 and this is a total of that revenue during
19 this period of time.

20 Q. What does "PMP" stand for?

21 A. PMP or private marketplace deal is
22 another way of describing it. It is where a
23 publisher such as New York Times would work
24 with the SSP and/or DSP, an advertiser, to
25 set up a direct link in the SSP and DSP to

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 run on The New York Times.

3 Q. How is that different from an open
4 auction?

5 MR. VERNON: Objection, leading.

6 Q. Is that different from an open
7 auction?

8 MR. VERNON: Same objection.

9 A. It is different from open auction
10 as, it is open auction, we do not have direct
11 relationships with that specific advertiser
12 or potentially the DSP itself.

13 Q. Do you know how much of this open
14 slash PMP category is revenue derived from
15 PMP?

16 MR. BLAISDELL: Object to the form.

17 A. I do not recall the share PMP made
18 up of this number on this document at the
19 time it was created.

20 Q. Do you have a general sense, like
21 was it less than 50 percent or more than
22 50 percent?

23 A. Generally speaking, PMPs make a

24 [REDACTED]

[REDACTED]

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Is that true today?

3 A. That trend is generally accurate
4 today.

5 Q. When you say "That trend," what are
6 you referring to?

7 A. That PMP revenue is [REDACTED]
[REDACTED]
[REDACTED]

10 Q. Is it like a [REDACTED]
[REDACTED]

12 MR. VERNON: Object to the form.

13 A. I do not recall the exact number.
14 I do know that it is [REDACTED] for
15 sure.

16 Q. Do you know if it's above [REDACTED]
[REDACTED]?

18 MR. BLAISDELL: Object to the form.

19 A. It's a difficult question to
20 answer, because it does vary day by day, or
21 even by week, or even quarter, and does
22 oftentimes depend on the seasonality effect
23 of when it's most in demand.

24 Q. Why are open auction and PMP
25 grouped together?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. Open auction and PMP are grouped
3 together for the purpose because they're
4 nonguaranteed. There is no contractual
5 obligations that guarantee impressions or
6 revenue between The New York Times or the SSP
7 or the advertiser itself.

8 Q. What was the revenue in 2019 for
9 this category?

10 MR. BLAISDELL: Object to the form.

11 MR. VERNON: Also vague.

12 Q. Well, I'm looking at the -- I'm
13 looking at the chart we're on the line that
14 says, "Programmatic-Open/PMP" and I think
15 there is at least an estimated revenue from
16 2019 on here. Am I reading that correctly?

17 A. The estimate revenue for 2019 was
18 for Q1 of 2019 and the number here was
19 \$9.8 million.

20 Q. On this chart do you agree with me
21 that that's less than half of the Q1 2019
22 revenue listed for direct banner and PG
23 display?

24 A. I do agree with you that it's less
25 than half.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Is that common?

3 A. Generally speaking, our direct
4 business creates the larger share of our
5 direct business.

6 Q. I think you said our direct
7 business creates the larger share of our
8 direct business, do you mean generally
9 speaking our direct business creates the
10 larger share of our display business?

11 A. Yes. Thank you for the
12 clarification.

13 Q. It's okay.

14 There is another category on
15 here -- well, I guess I should say before we
16 move on from that, are open/PMP display ads
17 available on the web and on the app?

18 A. As of today, yes, we do have open
19 auction and PMP on web and our apps.

20 Q. There's a category below this that
21 says "Other Display," what are the other,
22 what are the things that fall into the "Other
23 Display" category?

24 A. Typically our finance team who
25 leads the preparation of this specific chart

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 use "Other Display" as a revenue line for
3 deferrals and recon or any adjustments that
4 may happen within the accounting process.

5 Q. So am I right in understanding that
6 "Other Display" does not refer to a different
7 channel through which display ads can be
8 sold; it's like an accounting category?

9 MR. VERNON: Objection, vague.

10 A. You would be correct, that it is
11 not another channel for display ads on our
12 properties, and it is for accounting
13 purposes, generally.

14 Q. How does The New York Times decide
15 through --

16 MS. MORGAN: Well, let me ask a
17 different question.

18 Q. Does The New York Times make a
19 decision about which sales channels it's
20 going to use to sell display ads?

21 MR. BLAISDELL: Object to the form.

22 A. Can you clarify the question?

23 Q. Yeah.

24 Does The New York Times decide how
25 much of its sales inventory it wants to sell

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 in Category 1, direct banner and PG versus
3 Category 2 open/PMP?

4 A. We do not have stipulations, but it
5 is our strategic endeavor to focus on our
6 direct banners and PG with direct
7 relationships with advertisers and agencies.

8 Q. Does The New York Times decide how
9 much of its display ad space it wants to sell
10 through PMP versus open auction?

11 MR. BLAISDELL: Object to the form.

12 A. We have ambitions for PMPs to grow,
13 because it does have a higher level of
14 certainty that it is coming from a advertiser
15 or agency that is known and it typically
16 trades at a higher CPM.

17 Q. When you say "it typically trades
18 at a higher CPM," do you mean a higher CPM
19 than open auction?

20 A. Yes. PMPs typically trade at a
21 higher CPM than open auction.

22 Q. So is it your -- let me see, you
23 said it's your ambition to focus on direct
24 first; is that right?

25 MR. BLAISDELL: Object to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. VERNON: Objection,
3 mischaracterizes. Also leading.

4 Q. You can answer.

5 A. It is a strategic priority for us
6 to focus on the direct relationships with
7 advertisers and agencies, and the direct
8 display banners and PG would be our priority,
9 yes.

10 Q. Is it a strategic priority for The
11 New York Times to focus on PMP sales over
12 open auction sales?

13 MR. VERNON: Objection, leading.

14 A. I would not say that it is a
15 strategic priority for the ad department, as
16 a whole, that PMPs are larger or more
17 profitable -- or, I'm sorry -- more revenue
18 than open auction.

19 Q. Today are the majority of the
20 display ads The New York Times serves sold
21 through direct sales or programmatic
22 guarantee sales?

23 A. Can you clarify if you mean
24 impressions? I just want to make sure I
25 heard you correctly.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Yeah, impressions.

3 A. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. Does most of The New York Times
7 revenue on display ads come from direct
8 sales?

9 A. [REDACTED] comes from
10 direct sales.

11 Q. I guess I should say direct sales
12 and programmatic guarantee.

13 Do you know what the division of
14 revenue is between direct sales and
15 programmatic guarantee, how do those two
16 compare?

17 MR. BLAISDELL: Object to the form.

18 A. I do not recall a specific share.

19 Q. Do you have like a rough sense?

20 A. [REDACTED].

21 Q. [REDACTED]

22 A. [REDACTED].

23 MS. MORGAN: I think this is a good
24 time for us to take a ten-minute break,
25 if everybody's amenable to that.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Okay. So before we went on the
3 break, we were looking at this document, and
4 we were on the page, which I am realizing now
5 I never marked, I guess.

6 MS. MORGAN: Let's mark this as
7 Glogovsky Exhibit 1.

8 (Discussion off the record.)

9 Q. So I'm on the same document. I'm
10 on the same chart. I want to look at the
11 lines that are below the display lines we
12 just talked about. There's, like, I don't
13 know, ten or so things there starting with
14 "Video" and ending with "Wirecutter."

15 Do you see where I am?

16 A. I do.

17 Q. For purposes of this chart, are all
18 of these categories part of the digital
19 revenue line?

20 A. For the purposes of this chart,
21 yes, they are all part of the digital revenue
22 line.

23 Q. The first line is "Video." What is
24 that referring to?

25 A. Video is the pre-roll and mid-roll

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to the form.

3 A. At the time of this chart open
4 auction and PMP would only include display
5 and video ads.

6 Q. Do New York Times advertisers that
7 do programmatic buying buy both video and
8 display ads?

9 MR. VERNON: Objection, leading.

10 A. I do not know.

11 Q. Do you have any reason to think
12 that they do not?

13 A. I do not have any reason to believe
14 that they would not buy both display and
15 video.

16 MR. VERNON: Hold on a second.
17 Objection, foundation to the last
18 question and answer.

19 Q. Are the video ads that fall into
20 the programmatic category served on the web?

21 A. Yes.

22 Q. Are they also served in New York
23 Times' apps?

24 A. Yes.

25 Q. So the "Video" line below that,

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 that actually says "Video," are those ads
3 served both on the web and in the app?

4 A. Yes.

5 Q. The line below that says, "E-mail."
6 What is that referring to?

7 A. At the time of this document in the
8 period the revenue is reporting, it would be
9 inclusive of the programmatic and direct sole
10 display ads within our newsletters or
11 e-mails.

12 Q. Are e-mail ads, what do e-mail ads
13 look like?

14 MR. BLAISDELL: Object to the form.

15 A. E-mail ads are very similar, at the
16 time of this document preparation and when
17 ads were serving, very similar to display
18 banner ads that you would see within web and
19 app environments.

20 Q. To the extent e-mail ads are sold
21 programmatically, are they sold through the
22 same process as programmatic sales for
23 display banner ads?

24 MR. VERNON: Objection, leading and
25 vague.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. Can you please clarify the
3 question?

4 Q. Yes.

5 Do you use the same ad tech tools
6 to programmatically sell e-mail ads that you
7 use to sell display ads?

8 MR. VERNON: Objection, same
9 objections.

10 A. For e-mail or newsletter
11 programmatic, we use different ad technology
12 to fulfill the space available within
13 newsletters.

14 Q. What technology do you use to fill
15 the space available in newsletters?

16 A. The primary technology that we use
17 to serve programmatic within our newsletters
18 would be LiveIntent.

19 Q. What's LiveIntent?

20 A. LiveIntent is a newsletter based ad
21 tech company that helps publishers enable
22 monetization within their newsletters, both
23 directly as an ad server and through
24 monetization purposes filling
25 programmatically.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 type you're specifying?

3 Q. Yeah. If advertisers want to use,
4 want to programmatically buy display ads and
5 they also want to programmatically buy e-mail
6 ads, is it possible for them to shift their
7 spend from display to e-mail if they find
8 that e-mail is more useful for their
9 purposes?

10 MR. VERNON: Objection, leading.

11 MR. BLAISDELL: Object to the form.

12 A. From our standpoint and where we
13 are positioned in the buyer workflow, we do
14 not have that insight of how easy or
15 impossible or possible that would be. We
16 have two different technologies running --
17 sorry -- a separate technology running for
18 newsletters, which would make it difficult
19 for us to have any influence over that.

20 Q. The line below "E-mail" says
21 "Classified," what is that describing?

22 A. Classified is our, is typically our
23 print classifieds. This was our digital
24 classifieds, which we were running at the
25 time of this creation of this document.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Are they sold directly?

3 A. Wirecutter, although the revenue
4 sits on this line item, is not sold and
5 managed primarily by the advertising
6 business, that would be represented in this
7 grid or chart. The revenue primarily comes
8 from, my understanding, programmatic open and
9 PMP, and makes up a small share of this
10 chart.

11 Q. Before we move off this chart, we
12 talked about the video that served program --
13 or that purchased programmatically falls into
14 the "Programmatic-Open/PMP" category. Are
15 e-mail ads, are e-mail ads also sold
16 programmatically?

17 A. E-mail ads are sold
18 programmatically as well as direct, yes.

19 Q. Do they also fall into this
20 "Programmatic-Open/PMP" --

21 MS. MORGAN: Let me rephrase.

22 Q. Do the programmatic sales of e-mail
23 ads also fall into the
24 "Programmatic-Open/PMP" category that
25 includes display ads and video ads?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. At this time of this document,
3 programmatic, open auction and PMP revenue
4 related to newsletters and e-mail would be
5 within the e-mail line in the chart and
6 referencing the document it makes that clear.

7 Q. If you go to -- well, really
8 quickly, are you familiar with native ads?

9 A. I am.

10 Q. What are native ads?

11 A. Native ads are ads that are
12 intended to look and feel like the publisher,
13 in this case The New York Times' content.

14 Q. Does The New York Times sell native
15 ads or native ad space?

16 A. There have been a number of
17 experiments and explorations into native ads.
18 We consider our T-Brand content, since it is
19 an ad itself and does look and feel like The
20 New York Times domain would be one
21 consideration as a native ad. We do also
22 sell our Flex Frames that are meant to feel
23 and look like The New York Times' content.
24 So, yes, we do.

25 Q. Are Flex Frames display ads?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. Flex Frames would be considered
3 display ads.

4 Q. So where do native ads fall on this
5 chart?

6 A. We do not have a line item within
7 this chart that explicitly calls out native
8 directly.

9 Q. So would native ads fall into the
10 display category?

11 MR. BLAISDELL: Object to form.

12 MR. VERNON: Object, objection,
13 form.

14 A. They would fall within the display
15 category is how we have personally classified
16 them.

17 Q. Are native ads sold directly?

18 A. Flex Frames, our ad format that is
19 unique to The New York Times and considered
20 native would be sold directly.

21 Q. Are native ads sold
22 programmatically?

23 A. We have experimented with native
24 ads and on select surfaces and times we have
25 turned on native ads programmatically.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Does The New York Times use Google
3 ad tech tools?

4 A. Yes.

5 Q. Which Google ad tech tools does The
6 New York Times use?

7 A. New York Times advertising
8 department uses Google Ad Manager as their
9 primary Google ad tech tool.

10 Q. What do you use Google Ad Manager
11 for?

12 A. Google Ad Manager's primary purpose
13 is our ad server for direct digital
14 advertising, which would be inclusive of
15 display ads, native ads and video. We also
16 use Google Ad Manager as our primary
17 monetization platform to serve programmatic
18 ads to our supply.

19 Q. Does New York Times use Google Ad
20 Manager to operate Flex Frames?

21 A. Google Ad Manager is the ad server
22 that we use to deliver and serve our Flex
23 Frame ad business.

24 Q. And I think you said this earlier,
25 but is Flex Frames sold directly?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. Flex Frames are sold directly both
3 direct and PG, which would be in the line
4 from the subsequent document.

5 Q. Do you use any other Google
6 sell-side tools?

7 MR. BLAISDELL: Object to the form.

8 Q. Besides Google Ad Manager?

9 A. Not that I'm aware of. Google ad
10 manager is our primary sell-side platform.

11 Q. Does The New York Times advertise
12 itself using Google buy-side tools?

13 MR. BLAISDELL: Object to the form.

14 A. To my knowledge, we have used, at
15 least in the past, Google's buy-side platform
16 to deliver ads, marketing The New York Times.

17 Q. Do you know which buy-side
18 platform?

19 MR. BLAISDELL: Objection to form
20 and scope.

21 Q. Are you aware that there are
22 multiple Google buy-side platforms?

23 MR. BLAISDELL: Same objections.

24 A. The buy-side platform that I am
25 aware of using would be -- what is it called

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 -- the primary DSP that Google offers the
3 market. I apologize for not recalling the
4 specific name.

5 Q. Is that outside the scope of your
6 job?

7 A. That is outside of the scope of my
8 job.

9 Q. Has there ever been a time during
10 your career at The New York Times when The
11 New York Times was not using Google ad tech
12 tools?

13 A. Can you repeat the question?

14 Q. Yes.

15 Has there ever been a time during
16 your career at The New York Times when The
17 New York Times was not using Google ad tech
18 tools?

19 A. During my career --

20 Q. During your time at The New York
21 Times.

22 A. During my time or career at The New
23 York Times we have been on Google ad
24 technology.

25 Q. Are you familiar with ads.txt or

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 authorized digital seller text files?

3 A. Yes.

4 Q. What is that?

5 A. Ads.txt is an industry initiative
6 that publishers publicly disclose the SSPs or
7 programmatic partners that they worked with,
8 with a public file on the domain that would
9 be followed by their primary domain with
10 ads.txt at the end of it.

11 Q. Why does it exist, to your
12 knowledge?

13 MR. BLAISDELL: Object to the form.

14 MR. VERNON: Objection, foundation.

15 A. Ads.txt, to my knowledge, was an
16 industry initiative to help reduce the amount
17 of ad fraud domain spoofing and to better
18 declare who publishers are working with so
19 that was recognized.

20 Q. Does The New York Times use ads.txt
21 or does it maintain an ads.txt page?

22 A. Yes.

23 MR. BLAISDELL: Object to form.

24 MS. MORGAN: I'm going to show you
25 another document, which I am going to

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 mark as Glogovsky Exhibit 2.

3 (NYT Exhibit 2, Document entitled,
4 "Nytimes.com/ad.txt," marked for
5 identification, this date.)

6 MS. MORGAN: See if we can get it
7 to work. It's a small one. Oh, good, I
8 have it. Okay. If you reload the
9 document, it should be in there and it's
10 just marked Exhibit 2.

11 Q. Do you see that?

12 A. I do.

13 Q. Okay, great.

14 Do you know what this document is?

15 A. It appears to be our ads.txt file.

16 Q. Do you have any reason to question
17 whether this is an accurate version of the
18 ads.txt file?

19 MR. BLAISDELL: Object to the form.

20 A. I do not have any reason to believe
21 that it's not an accurate representation
22 based on the time.

23 Q. Is the ads.txt file maintained in
24 the course of The New York Times' ordinary
25 business?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. VERNON: Counsel, for the
3 purposes of the record, can you explain
4 or make a representation as to where
5 this comes from? Like, did you pull it
6 from the website or kind of where it is?

7 MS. MORGAN: It comes from the
8 website that is listed at the top of the
9 page New York Times, slash, ads.txt.
10 The URL is printed up there and it was
11 printed two days ago at 11:30 a.m.,
12 11:36.

13 MR. VERNON: Thank you.

14 MS. MORGAN: I can just ask my
15 question again.

16 Q. Is The New York Times ads.txt file
17 created and maintained in the normal course
18 of business?

19 A. It is our general practice to
20 maintain it over the course of regular
21 business.

22 Q. Are the entities that are listed on
23 this page a list of digital sellers that are
24 permitted to sell New York Times ad
25 inventory?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. Yes, the names on this list are the
3 ad technology that are permitted to sell on
4 our site.

5 Q. The first item on the list says,
6 "Amazon-adsystem.com."

7 What is that referring to?

8 A. Amazon-adsystem.com is the Amazon
9 programmatic technology that is made
10 available to publishers and often goes by
11 Amazon Publisher Services.

12 Q. Are you familiar with header
13 bidding?

14 A. I am.

15 Q. What is it?

16 A. Header bidding is an alternative
17 that publishers, inclusive of The New York
18 Times, uses to create demand. It is a
19 wrapper that goes into the file of the site,
20 and allows programmatic partners to place
21 bids and compete and then puts that bid into
22 the ad call and eventually is potentially
23 selected to serve on the website.

24 Q. Does Amazon Publisher Services
25 place ads on New York Times' properties?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. VERNON: Objection, leading and
3 vague.

4 MR. BLAISDELL: Object to the form.

5 A. Amazon-adsystems or APS does place
6 ads.

7 Q. Does it do that via header bidding?

8 A. It is difficult answer to -- or
9 question to answer. It does include header
10 bidding, but may not be limited to header
11 bidding.

12 Q. What kind of inventory does Amazon
13 put on The New York Times' properties?

14 MR. BLAISDELL: Object to the form.

15 A. It is predominantly display media.

16 Q. Does it also put on any other types
17 of ad inventory besides display?

18 MR. BLAISDELL: Object to the form.

19 A. In how we classify the ads coming
20 through programmatic, we would classify them
21 as display. There may have been experiments
22 into other formats, but display is the vast
23 majority of what is placed.

24 Q. When you say how we classify it, do
25 you mean to include programmatically sold

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 video ads?

3 A. What I was referencing is display
4 or native.

5 Q. Does Amazon place video ads on New
6 York Times' properties?

7 A. I don't have any evidence to
8 suggest that they do not.

9 Q. Okay. The next entry is
10 "AppNexus.com," what is that?

11 A. AppNexus is another ad technology
12 company now goes by the name of Xandr, which
13 was recently, relatively recently purchased
14 by another technology firm that places ads on
15 The New York Times.

16 Q. What technology firm purchased
17 Xandr?

18 MR. BLAISDELL: Object to the form
19 and scope.

20 A. From my recollection, Microsoft.

21 Q. Does Xandr sell The New York Times
22 digital inventory?

23 A. Xandr is one of the SSPs that has
24 the capability of selling The New York Times'
25 inventory.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. I guess I should ask you this as an
3 easier question: Are all of the entities
4 listed on the ads.txt page entities that The
5 New York Times allows to sell its digital
6 inventory?

7 MR. BLAISDELL: Object to form.

8 MR. VERNON: Objection to form.

9 A. The ad technology companies within
10 this ad.txt file do have the authorization of
11 selling The New York Times' supply, yes.

12 Q. Do they do that programmatically?

13 MR. VERNON: Objection to form.

14 MR. BLAISDELL: Object to form.

15 A. These file -- this file or these
16 partners would be selling programmatically.

17 Q. I will give you a second to look at
18 the list, but are any of the entities listed
19 here also selling New York Times' digital
20 inventory directly?

21 A. Can you clarify selling as in
22 sourcing demand or can you just clarify that
23 statement?

24 Q. Do they facilitate direct sales?
25 How about that?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. Thank you.

3 These are exclusively programmatic
4 relationships and do not source direct deals.

5 Q. Does Xandr place ads on The New
6 York Times' properties via header bidding?

7 A. Yes.

8 Q. What kind of inventory does Xandr
9 place on The New York Times' properties?

10 MR. BLAISDELL: Object to the form.

11 A. Display ads.

12 Q. Does Xandr also place video ads on
13 New York Times' properties?

14 A. There is -- they do have the
15 capability of placing video ads, but it would
16 be a very small share of the overall.

17 Q. What about native ads?

18 MR. BLAISDELL: Object to the form.

19 A. Not to my knowledge.

20 Q. We can skip over Google because we
21 already talked about that. Although is there
22 a reason that there are two entries for
23 Google, to your knowledge?

24 MR. BLAISDELL: Object to the form.

25 A. I do not recall the exact reasons

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 off the top of my head why we have two
3 entries for Google.

4 Q. The entity below that says,
5 "IndexExchange.com." What is that referring
6 to?

7 A. Index Exchange or IX is another ad,
8 ad tech provider for SSPs, or is an SSP.

9 Q. Does Index Exchange place ads or
10 does Index Exchange sell The New York Times'
11 ad inventory?

12 A. Yes.

13 Q. Does it place ads on New York
14 Times' properties via header bidding?

15 A. Yes.

16 Q. What kind of inventory does it
17 place on New York Times' properties?

18 A. Primarily display ads and a very
19 small amount of video ads would be
20 potentially possible as well.

21 Q. What about native ads?

22 A. Not to my knowledge.

23 Q. Below Index Exchange is
24 "LiveIntent.com." What's that referring to?

25 A. LiveIntent is our newsletter

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 programmatic monetization platform and also
3 our newsletter ad server.

4 Q. Does LiveIntent sell New York
5 Times' ad inventory?

6 A. Yes.

7 Q. What kind of ad inventory does it
8 sell?

9 A. Newsletter display ads.

10 Q. Any other types of ads?

11 A. No.

12 Q. Do the display ads that it sells
13 for newsletters also appear on the web?

14 MR. VERNON: Objection, vague.

15 A. No.

16 Q. You testified earlier that
17 Wirecutter is both a newsletter and it has a
18 website. Do you remember that?

19 A. I do.

20 Q. Does LiveIntent serve ads on
21 Wirecutter?

22 A. No.

23 Q. Does it serve any ads that appear
24 on a website?

25 A. No, they are exclusively our

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 newsletter monetization partner.

3 Q. How are the newsletters delivered?

4 MR. BLAISDELL: Object to the form.

5 A. Can you clarify, to the end user or
6 the technology?

7 Q. To the end user, are they delivered
8 over e-mail or some other way?

9 A. Yes, over e-mail.

10 Q. Does LiveIntent use header bidding
11 to place ads on The New York Times'
12 properties?

13 A. No.

14 Q. The line below that says,
15 "openx.com." What's the -- several lines
16 below that, what is that referring to?

17 A. OpenX is another SSP technology
18 partner that we use. The subsequent line
19 items for each of these are the separate
20 integrations that we have for header bidding
21 and open bidding.

22 Q. Does OpenX then place ads on The
23 New York Times' properties via header
24 bidding?

25 A. Yes, that is one of the paths.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. And does it also place ads on The
3 New York Times' properties using open
4 auction -- sorry -- open bidding?

5 A. Thank you for clarifying. Yes, it
6 does place ads through both header bidding
7 and open bidding.

8 Q. What kind of ad inventory does it
9 place on New York Times' properties?

10 A. Predominantly display media with
11 the possibility of a small amount of video.

12 Q. What about native?

13 A. Not that I recall.

14 Q. The line below "Openx," says,
15 "rubiconproject.com." Do you see that?

16 A. Yes.

17 Q. What is that referring to?

18 A. Rubicon is another ad technology
19 SSP that we partner with. I believe it's now
20 called Magnite after a rebrand.

21 Q. Does Magnite -- I'm just going to
22 call it Magnite -- does Magnite, does The New
23 York Times use Magnite technology to sell its
24 ad inventory?

25 A. Can you clarify "use Magnite

1 GLOGOVSKY - HIGHLY CONFIDENTIAL
2 technology"?

3 Q. I can ask the question in a
4 different way.

5 Does Magnite place ads on The New
6 York Times' properties?

7 A. Rubicon does place ads on The New
8 York Times' properties.

9 Q. Does Rubicon or Magnite place ads
10 on The New York Times' properties via header
11 bidding?

12 A. Yes.

13 MR. BLAISDELL: Object to the form.

14 Q. What kind of ad inventory does it
15 place on The New York Times' properties?

16 MR. BLAISDELL: Object to the form.

17 A. Magnite predominantly fills or
18 sells our inventory as display banners, with
19 a small minority share potentially going to
20 video.

21 Q. Below that is "triplelift.com." Do
22 you see that? What is TripleLift?

23 A. I do. TripleLift is the ad
24 technology SSP that we work with, that we
25 work with, one of.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Does TripleLift place ads on The
3 New York Times' properties?

4 A. Yes.

5 Q. Does it do that via header bidding?

6 A. Yes.

7 Q. What kinds of inventory does
8 TripleLift place on The New York Times'
9 properties?

10 MR. BLAISDELL: Object to the form.

11 A. TripleLift provides two types of
12 ads on The New York Times, predominantly
13 display ads. They have also in the past and
14 currently deliver native ads as well.

15 Q. Okay. Below TripleLift is
16 "pubmatic.com." What is that referring to?

17 A. PubMatic is a ad technology SSP
18 that we partner with across a number of
19 integrations.

20 Q. Does The New York Times allow
21 PubMatic to sell its ad inventory?

22 A. Yes.

23 Q. Does it do that via header bidding?

24 A. Yes.

25 Q. What kinds of ads does it place?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to the form.

3 A. Predominantly display ads with the
4 potential of a small minority share of video
5 ads.

6 Q. Below that is "media.net." What is
7 that referring to?

8 A. Media.net is an ad technology SSP
9 that we partner with.

10 Q. Does media.net sell New York Times
11 ad inventory?

12 A. Yes.

13 Q. Does it do so via header bidding?

14 A. Yes.

15 Q. What kind of ads does it place on
16 The New York Times' properties?

17 MR. BLAISDELL: Object to the form.

18 A. Display.

19 Q. Anything else?

20 A. Not that I'm aware of.

21 Q. Below that "is Yahoo.com." What's
22 Yahoo.com referring to?

23 A. Yahoo.com is an ad technology SSP
24 that we partner with.

25 Q. Does Yahoo -- is there a specific

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 tool at Yahoo, is there a name for the tool
3 that you use?

4 A. Not that I'm aware of a specific
5 name. We have classified it internally as
6 Yahoo.com.

7 Q. Does Yahoo.com sell New York Times
8 ad inventory?

9 A. Yes.

10 Q. Does it do so via header bidding?

11 A. It would either header bidding or
12 open bidding. We have experimented with
13 both.

14 Q. Below Yahoo.com there are some
15 additional entries, another Google.com,
16 something call aps.amazon.com,
17 IndexExchange.com. Do you know why there are
18 repeat entries for Google, Index Exchange,
19 TripleLift, LiveIntent?

20 A. Typically when there is a repeat
21 entry, the name is repeated, the identifier
22 is unique to it and based on a different
23 integration, whether that be a different
24 header bidding solution or open bidding.

25 Q. What is aps.Amazon.com?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. This is synonymous with
3 Amazon-adsystems.com above, APS or
4 aps.Amazon.com would be their solution for
5 this specific integration.

6 Q. Do these SSPs sell New York Times
7 digital inventory on the web?

8 MR. BLAISDELL: Object to form.

9 MR. VERNON: Objection, vague and
10 compound. Vague meaning --

11 Q. Does The New York Times use the
12 SSPs listed on this, I guess I should say the
13 providers, does The New York Times use the
14 providers listed on this ads.txt file to add
15 inventory, to sell ad inventory on the web?

16 MR. VERNON: Same objection.

17 A. The list, the list is both
18 comprehensive of the providers or SSPs
19 selling on web, but it also includes partners
20 or providers that do not sell on the web
21 either.

22 Q. Where do the people that do not
23 sell on the web sell?

24 MR. BLAISDELL: Object to the form.

25 A. On this document, the two that

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Anyone else that you can think of?

3 A. I'm unaware.

4 Q. Why does The New York Times have so
5 many different platforms that sell its
6 inventory?

7 MR. BLAISDELL: Object to the form.

8 MR. VERNON: Object to form.

9 Q. Why does The New York Times have
10 more than one platform that sells its
11 inventory?

12 A. The New York Times has experimented
13 with a number of different platforms. And
14 based on those experiments and the results of
15 those experiments, we have concluded that a
16 number or more than one platform helps drive
17 incremental revenue through competition.

18 Q. When you say it drives revenue
19 through competition, what kind of competition
20 are you referring to?

21 A. The competition that I'm referring
22 to is exclusively the bid competition within
23 the ad call and the number of competing bids,
24 whether that be our direct business within
25 the ad server or programmatic bids that have

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 been solicited.

3 Q. Do the providers that are listed on
4 the ads.txt file compete against each other
5 to sell ad inventory?

6 MR. VERNON: Objection, vague and
7 compound and leading.

8 MR. BLAISDELL: Object to the form.

9 THE WITNESS: Apologize to make
10 everyone do that. Again, can you please
11 repeat the question?

12 MS. MORGAN: Let's see that I can
13 ask a better question, although I don't
14 know that I can.

15 Q. There are several providers listed
16 on the ads.txt file that we just talked
17 about. Do you know who I'm referring to?

18 MR. BLAISDELL: Object to form.

19 Q. List of providers, do you know what
20 I'm referring to?

21 A. Yes.

22 Q. Do the providers that are on that
23 list compete against each other to sell New
24 York Times' ad inventory?

25 MR. VERNON: Objection, vague,

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 compound, leading.

3 MR. BLAISDELL: Objection to form.

4 A. It is our intention to have these
5 providers in specific surfaces compete with
6 our direct business to elicit higher CPMs and
7 drive incremental revenue.

8 Q. These are programmatic providers;
9 is that right?

10 MR. BLAISDELL: Object to the form.

11 A. It's a nuanced answer. They are
12 primarily programmatic open auction and PMP
13 providers; however, there are providers or
14 provider that also provides programmatic
15 guaranteed, which would be considered direct.

16 Q. Does The New York Times make [REDACTED]
[REDACTED] available via header bidding?

18 MR. BLAISDELL: Object to the form.

19 A. No.

20 Q. What amount of [REDACTED]
[REDACTED] via header bidding?

22 MR. BLAISDELL: Object to the form.

23 A. [REDACTED]
[REDACTED]
[REDACTED]

GLOGOVSKY - HIGHLY CONFIDENTIAL

Q. Is there a [REDACTED]

[REDACTED]?

A. [REDACTED]

Q. What kind of factors do you consider in making that decision?

A. [REDACTED]

Q. When you say "operational," what do you mean?

A. [REDACTED]

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 [REDACTED].

3 Q. We just talked about a list of SSPs
4 or supply-side platforms. Are you familiar
5 with DSPs or demand-side platforms?

6 A. I am familiar with DSPs.

7 Q. What are they?

8 A. Demand-side platforms is the
9 technology in which agencies and/or
10 advertisers or clients use to buy ads and
11 place them across the web.

12 Q. Does The New York Times work with
13 multiple demand-side platforms?

14 A. The New York Times, like other
15 publishers, primary working relationships are
16 with the SSPs, which typically have
17 relationships with the DSPs. There are a
18 number of examples where we have talked to
19 them, but do not have a working relationship
20 with them on an ongoing basis.

21 MS. MORGAN: I'm about to load
22 another big document, so maybe this a
23 good time to take a five-minute break
24 so, we can load the document. Is
25 everybody okay with that?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. VERNON: Fine with the break,
3 and I will try not to get kicked out
4 this time.

5 MS. MORGAN: Okay. Perfect. We
6 can go off the record.

7 THE VIDEOGRAPHER: Sorry. I was
8 muted.

9 The time is 11:35. We are going
10 off the record. This will end media
11 unit number 2.

12 (A brief recess was taken.)

13 THE VIDEOGRAPHER: The time is
14 11:43 a.m. We are back on the record.
15 This will be the start of media unit
16 number 3.

17 Q. Mr. Glogovsky, during the break and
18 in an effort to save time, we loaded a
19 document that I am going to mark as Glogovsky
20 Exhibit 3. It should be in your folder. Can
21 you let me know if you see it.

22 (NYT Exhibit 3, Document entitled,
23 "Index Exchange Bidder Test Results,"
24 Bates Nos. NYT_TXAG_00000108 through
25 NYT_TXAG_00000115, marked for

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 identification, this date.)

3 THE WITNESS: Exhibit 3, I do.

4 Q. Great. Do you recognize this
5 document?

6 A. I do.

7 Q. What is it?

8 A. It is a recap of a test completed
9 and accompanied with a recommendation around
10 whether or not we should continue using a
11 integration for a header bidder.

12 Q. Is this something that was created
13 in the normal course of business at The New
14 York Times?

15 A. Yes.

16 Q. This document is titled, "Index
17 Exchange Bidder Test Results."

18 You testified earlier that The New
19 York Times has used Index Exchanges ad tech
20 to sell digital ad inventory. Does The New
21 York Times normally test the ad tech that it
22 uses to sell digital ad inventory?

23 MS. MORGAN: Sorry, Diana, did you
24 have a raised hand? Are you unable to
25 see the exhibit?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. VERNON: I may take a minute.

3 I have an objection to this document. I
4 think it has not been produced to us,
5 which may or may not be -- it may be our
6 fault but -- I don't know, but --

7 MS. MORGAN: I think this is a
8 document that is from the Texas AG file.

9 MR. VERNON: Yeah, I think it has
10 not been produced to us. I'm not
11 100 percent sure. Anyway, go ahead.

12 MS. MORGAN: Okay. Well, I think
13 we can iron that.

14 I'm sorry. Did Diana have a
15 question that we need to address? Okay.
16 I will return to my question then.

17 Q. Does The New York Times regularly
18 test the ad tech tools that it uses to sell
19 digital ad inventory?

20 MR. BLAISDELL: Object to the form.

21 A. As general practice, we do review
22 the ad technology platforms and partnerships
23 and technology over the course of business.

24 Q. Why does New York Times do that?

25 A. It's for a number of factors. One

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 of which is the tax or resources required to
3 manage technology in the number of platforms
4 and whether or not we are driving incremental
5 revenue or not.

6 Q. When you're talking about resources
7 needed to manage the resources required to
8 manage technology, are you referring to
9 people?

10 A. Yes.

11 Q. Anything else?

12 A. For resources specifically I am
13 referring to people.

14 Q. And when you talk about driving
15 incremental revenue, what do you mean by
16 that?

17 A. It is our goal to work with a
18 number of programmatic partners and
19 technology to drive revenue that we would not
20 have received without working with them
21 specifically.

22 Q. Do you know why Index Exchange was
23 tested?

24 MR. BLAISDELL: Object to the form.

25 A. Index Exchange was tested as we

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 were working through to better understand how
3 to improve our site performance and header
4 bidding typically adds tax to the site
5 performance and may slow down the page load
6 for the end reader or user.

7 Q. When you say site performance, what
8 site are you referring to?

9 A. I am specifically speaking to the
10 NewYorkTimes.com.

11 Q. Was the Index Exchange used on The
12 New York Times app?

13 MR. BLAISDELL: Object to the form.

14 A. Not that I recall. Index Exchange
15 has been primarily a website and mobile web
16 programmatic partner.

17 Q. Did someone at The New York Times
18 request that Index Exchange be tested?

19 MR. BLAISDELL: Object to the form.

20 A. I do not recall.

21 Q. Who performed the test?

22 MR. BLAISDELL: Object to the form.

23 A. The test was done in collaboration
24 with a number of partners. The ads business
25 was responsible for understanding the revenue

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 and financial impact and test of this nature.
3 We also work with our technology partners and
4 our data and insights group, which is
5 responsible for helping us understand the
6 results of the test.

7 Q. Are all of the partners that you
8 just referred to in-house at The New York
9 Times?

10 A. All of the partners that I referred
11 to are all New York Times teams or
12 individuals.

13 Q. Did you use a vendor to help, like
14 an outside vendor or party to help with the
15 testing?

16 MR. BLAISDELL: Object to the form.

17 A. No, this was a test done completely
18 within our means and resources.

19 Q. Let's turn to the next page, which
20 ends in 000109. Do you see that?

21 A. I do.

22 Q. This section at the top is
23 entitled, "Recommendation & Test Setup," and
24 under "Recommendation," it says the
25 following: "It's our recommendation to

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 remove Index Exchange wrapper integration and
3 migrate all Index demand open plus PMPs to
4 Google's exchange building EBDA. The test
5 confirmed our hypothesis that Index
6 Exchange's wrapper integration isn't
7 providing incremental value and instead it's
8 adding additional tech and operational burden
9 to the organization. Additionally, based on
10 evidence, we do not believe there will be a
11 revenue impact to the programmatic business."

12 What is "wrapper integration"?

13 A. Wrapper integration would be
14 synonymous with header bidder partner. We --
15 we would use them interchangeably.

16 Q. What does it mean "to migrate all
17 Index demand to Google's exchange bidding"?

18 A. Before this test, Index was running
19 within the Index wrapper or header bidder.
20 We would shift that partner from that header
21 bidder solution into the, at the time, Google
22 exchange bidding which is now more commonly
23 known as open bidding.

24 Q. What does it mean to shift the
25 partner from that solution to Google exchange

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 bidding, like what do you actually do?

3 MR. BLAISDELL: Object to the form.

4 A. We would take the appropriate steps
5 of turning off the partner and notifying them
6 that they would not be running within that
7 header bidding solution and turning them on
8 within Google's exchange bidding, and the
9 shift would be then removing, the next step
10 of the shift would be removing the line of
11 code which the header bidder is on our site
12 at the header and from removing that by our
13 technologist.

14 Q. In the second sentence of this
15 paragraph, it says, that "the test confirmed
16 our hypothesis that Index Exchange's wrapper
17 integration isn't providing incremental value
18 and instead it's adding additional tech and
19 operational burden to the organization."

20 What additional tech burden was
21 being added by Index Exchange's wrapper?

22 A. The tech burden that we are
23 outlining here is the technology impact
24 around the site performance, which could also
25 include the speed in which the page is

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 loading for the end user or reader.

3 Q. And what's the operational burden
4 you're talking about?

5 A. Operationally that is the personnel
6 and time of those people responsible for
7 managing that specific integration and also
8 the partnership in which we had with Index
9 Exchange.

10 Q. You said that the tech, the tech
11 burden you were referring to could include
12 issues with the speed in which the page is
13 loading for the end user or reader. Why does
14 that matter to The New York Times?

15 A. There are a number of factors why
16 this is important for us. It is both ad
17 related and also the user or reader
18 experience. It is our priority to provide a
19 experience for our readers that loads quickly
20 and has a proper or fast experience for them
21 to consume the content. On the ad side any
22 slow down in the ad, in the page load and the
23 process around loading the content and the
24 ads has incremental or negative impacts,
25 sorry, negative impacts to the number of ads

1 GLOGOVSKY - HIGHLY CONFIDENTIAL
2 that may serve and potentially the
3 viewability of those ads that we are placing
4 on the surface.

5 Q. In your experience does header
6 bidding often impact reader experience?

7 MR. VERNON: Objection, leading and
8 vague.

9 A. It is hard to say for certain that
10 it had a impact to the reader for them to
11 know and be able to say it is due to a
12 specific reason. It was our conclusion that
13 this could be one aspect in which why a page
14 load speed could be slowed down and then
15 affect the reader experience.

16 Q. What does it mean that Index
17 Exchange's wrapper is not providing
18 incremental value?

19 A. Over the normal course of testing
20 at The New York Times, we try to use the
21 appropriate methodologies that allow us to
22 test both the control and a variant. In this
23 experience, the results bared out that there
24 was no excess revenue coming from or
25 incremental revenue coming from open auction

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 by eliminating Index's wrap and other SSPs
3 were able to make up for that revenue loss.

4 Q. If you go to the page that's marked
5 0112, at the bottom, do you see where I am?

6 A. Yes.

7 Q. The first bullet on that page says,
8 "There was initial concern if the other SSP
9 partners would take on the share of revenue
10 that was removed from Index." What does
11 "other SSP partners" refer to?

12 A. At the time of this test was
13 conducted, the other SSP partners would have
14 been the SSPs that we disclosed in our ad.txt
15 and the partners that we were working with at
16 that time.

17 Q. And what's the concern that's being
18 highlighted in this bullet?

19 A. During the course of the test, we
20 do outline many hypothetical situations which
21 could produce a negative or a positive
22 impact. One of those hypotheticals, which we
23 did not know at the time of the test
24 beginning, was whether or not as their SSP
25 partners would fill those now vacated

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Why was the recommendation to
3 migrate all of Index Exchange's demand to
4 Google's exchange bidding?

5 MR. BLAISDELL: Object to the form.

6 A. We made the recommendation to move
7 the partners out of Index Exchange or Index
8 Exchange -- sorry -- out of Index Exchange
9 header bidding to open bidding or EB, because
10 EB typically has a lower impact on the site
11 performance and is also managed within Google
12 Ad Manager, which would limit the impact of
13 operational burden.

14 Q. When you say "site performance" --
15 I'm sorry, when you said EB typically has a
16 lower impact on site performance, do you mean
17 that EB typically delivers a better reader
18 experience?

19 MR. BLAISDELL: Object to the form.

20 MR. VERNON: Objection, leading.

21 A. No, what I meant by that is that EB
22 has typically lower impact on our site
23 performance and could result in faster page
24 speed.

25 Q. What does it mean to have lower

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 impact on site performance?

3 A. It could be a result -- the result
4 could be faster load time for the page.

5 Q. Why did The New York Times not
6 migrate the demand to other SSP partners?

7 MR. BLAISDELL: Object to the form.

8 A. Can you please clarify? SSP
9 partners or --

10 Q. Yeah.

11 There were three SSPs or solutions
12 identified on the Bates, the page ending in
13 112, I think you said it was AdX, EB, OpenX
14 and AppNexus. My question is: Why did The
15 New York Times migrate the Index Exchange,
16 why did it migrate the Index Exchange demand
17 to Google, Instead of OpenX and AppNexus?

18 A. We cannot move SSP demand from one
19 SSP to another. We can only move SSP demand
20 or partner to header bidding integrations.
21 OpenX and AppNexus on the document that
22 you're referencing are not header bidding
23 solutions.

24 Q. Were there any other header bidding
25 solutions that The New York Times was working

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 with at this time, besides Index Exchange?

3 A. Yes, at this time.

4 Q. Why did you decide not to migrate
5 to those other header bidding solutions?

6 MR. BLAISDELL: Object to the form.

7 A. We were focused on testing Index
8 and the conclusion of this test may have led
9 us to test other solutions, and in the time
10 we wanted to preserve the revenue, and open
11 bidding or EB was available to us with
12 limited disruption.

13 Q. Okay.

14 MS. MORGAN: Let's put up another
15 document. Let's do this one.

16 While we are waiting for that to
17 load...

18 Q. Are you familiar with the Facebook
19 Audience Network?

20 A. I am.

21 Q. What is it?

22 A. Facebook Audience Network from my
23 understanding is their programmatic solution
24 for publishers to extend ads that are bought
25 on Facebook to deliver across publishers that

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 adopt or work with Facebook Audience Network.

3 Q. Did The New York Times work with
4 Facebook Audience Network at any point in
5 your time there?

6 A. Yes.

7 Q. What did Facebook Audience Network
8 do for The New York Times, what service did
9 it provide?

10 A. They acted as a programmatic ad
11 technology partner that we considered to be
12 similar to an SSP so they placed ads on
13 our -- in our supply.

14 Q. Does The New York Times still use
15 Facebook Audience Network?

16 A. No, they do not. No, we do not.

17 Q. Did The New York Times end its
18 relationship with Facebook Audience Network
19 at some point during your time at The New
20 York Times?

21 A. Yes.

22 Q. Do you remember when that was?

23 A. I don't remember the specific date
24 off the top of my head, or year, but it was
25 multiple years ago.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Do you remember why?

3 A. There were a number of reasons.

4 There is many factors into why we begin or
5 stop working with any number of programmatic
6 partners or ad technology firms. For
7 Facebook specifically, and those reasons,
8 they can be ad quality, the revenue, whether
9 it was incremental or not, and as I mentioned
10 earlier, the operational burden that more
11 partners have to the business.

12 Q. When you refer to ad quality, what
13 are you talking about?

14 A. The New York Times has ad
15 acceptability and standards guidelines, and
16 we want to ensure that the ads that are seen
17 or potentially could be seen by a reader are
18 up to those standards that we have outlined
19 in ad acceptability and standards.

20 Q. Was Facebook Audience Network not
21 delivering ads that were acceptable under The
22 New York Times' standards?

23 MR. BLAISDELL: Object to the form.

24 A. It's a difficult question to
25 answer, as we don't see every ad that is

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. It is our firm belief that we
3 should have certain level of transparency of
4 which ads and the number of ads and the price
5 of those ads are made available to us as they
6 are transacting on our owned and operated
7 properties.

8 Q. Has The New York Times ceased
9 working with other ad tech partners besides
10 Facebook Audience Network?

11 MR. BLAISDELL: Object to the form.

12 A. There have been partners that we no
13 longer work with, yes.

14 Q. Can you think of any examples?

15 A. We -- in both partners, both SSP
16 and ad technology, one of the best examples I
17 can provide is obviously the Index Exchange
18 wrapper no longer working with, as well as
19 Media.net's wrapper.

20 Q. We talked about Index Exchange.
21 Why did you stop working with Media.net's
22 wrapper?

23 A. Similarly a test concluded that the
24 incrementality and the impact to the
25 operations and resources did not provide us

1 GLOGOVSKY - HIGHLY CONFIDENTIAL
2 the necessary value to maintain that specific
3 wrapper relationship.

4 Q. Were there also tech burdens
5 related to the Media.net's wrapper?

6 MR. BLAISDELL: Object to the form.

7 A. I don't have that document or
8 recall specifically, but I can conclude that
9 would be a similar outcome.

10 Q. Similar to Index Exchange?

11 A. For the -- yes.

12 Q. Okay.

13 MS. MORGAN: I think this document
14 should be loaded now, which I am going
15 to mark as Exhibit 4.

16 (NYT Exhibit 4, E-mail dated
17 10/25/18, Bates Nos.
18 GOOG-DOJ-AT-00587215 and
19 GOOG-DOJ-AT-00587216, marked for
20 identification, this date.)

21 Q. Do you see that?

22 A. Yes.

23 MS, MORGAN: Amazing, every time
24 it's like a miracle to me that it shows
25 up.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 across our overall business.

3 Q. Today for display The New York
4 Times uses Google's DFP as its publisher ad
5 server; is that right?

6 MS. MORGAN: Object to the form.

7 A. Yes.

8 Q. Prior to using DFP as The New York
9 Times' publisher ad server, The New York
10 Times used a publisher ad server that it had
11 built and operated itself; is that right?

12 MS. MORGAN: Object to the form,
13 leading.

14 A. Yes, that's correct.

15 Q. I am going to reask.

16 Before using DFP as its publisher
17 ad server, what did The New York Times use as
18 its publisher ad server?

19 A. The New York Times used a
20 proprietary ad server to fulfill our ads
21 across our properties before Google Ad
22 Manager or DFP.

23 Q. And who built and operated that
24 proprietary ad server?

25 A. The New York Times resources and

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 personnel.

3 Q. When approximately did The New York
4 Times switch from using The New York Times'
5 proprietary ad server to using DFP?

6 A. I cannot recall the specific date.
7 It was prior to my employment at The New York
8 Times. I believe it was around 2015.

9 Q. Why did The New York Times switch
10 from using The New York Times' proprietary
11 publisher ad server to using Google's DFP as
12 its publisher ad server for display?

13 A. There were a number of factors into
14 which we made the decision to sunset the use
15 of our own proprietary ad server and migrate
16 to DFP or now Google Ad Manager. Amongst
17 them was aligning ourselves with the industry
18 standard that other publishers were using,
19 the capability of utilizing Google's
20 programmatic demand, most specifically
21 dynamic allocation which is a feature of
22 Google's programmatic tool, also it helped
23 with improving our personnel operations and
24 also reducing the impact of billing
25 discrepancies with our direct relationships

1 GLOGOVSKY - HIGHLY CONFIDENTIAL
2 with advertisers and agencies.

3 Q. One of the things that you
4 mentioned, I think you said one of the
5 reasons that The New York Times switched from
6 using its proprietary publisher ad server to
7 using Google's DFP was to align yourself with
8 the industry standard. Do you remember that?

9 A. Yes.

10 Q. What did you mean by "the industry
11 standard"?

12 A. We recognize that our competitors,
13 direct competitors in the space were using
14 Google Ad Manager as their primary ad serving
15 capability and other publishers in the space
16 as well was using Google Ad Manager or DFP
17 and allowed us to evaluate whether or not it
18 would be sufficient to continue using our own
19 priority -- proprietary ad server or shift to
20 Google Ad Manager, which we perceived as the
21 industry standard ad server.

22 Q. When you say that -- well, let me
23 ask one basic question. Does Google Ad
24 Manager refer to the same thing roughly as
25 DFP?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. Yes.

3 Q. When you say that Google Ad Manager
4 was the industry standard publisher ad
5 server, what do you mean by that?

6 A. In short --

7 MR. BLAISDELL: Object to the form.

8 A. In short it was the ad server that
9 many publishers were using and agencies and
10 advertisers were acquainted with.

11 Q. What's your sense for, if you focus
12 on United States-based publishers, what's
13 your sense for how many of them use DFP by
14 Google as their publisher ad server?

15 MS. MORGAN: Objection to form,
16 lacks foundation.

17 MR. BLAISDELL: Object to form.

18 A. I can't speak on the percentage or
19 know the number of advertisers -- I'm
20 sorry -- publishers that use Google Ad
21 Manager as their ad server. My assumption is
22 that it is a substantial size of publishers
23 using this ad server.

24 Q. One of the other things that you
25 mentioned as a factor in The New York Times'

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 decision for switching from its proprietary
3 publisher ad server to switching to DFP was
4 dynamic allocation. Do you remember that?

5 A. I do.

6 Q. Can you elaborate on what you
7 meant?

8 MS. MORGAN: Objection to form.

9 A. Dynamic allocation was a feature
10 that was not widely available or a feature
11 that's offered by other ad technology
12 partners, to our knowledge, and it allowed
13 for improved competition within the ad call,
14 in allowing programmatic to have the
15 capability of being prioritized or competing
16 with other programmatic more efficiently, and
17 also the direct business, which would
18 effectively improve the yield for The New
19 York Times if we had that enabled.

20 Q. Do you have an understanding of
21 whether switching from The New York Times'
22 proprietary ad server to switching to DFP as
23 the display publisher ad server had any
24 impact on how much revenue New York Times got
25 from Google's AdX?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MS. MORGAN: Objection to form.

3 A. Sorry. Can you clarify the
4 question?

5 Q. Sure.

6 When The New York Times switched
7 from using its proprietary publisher ad
8 server for display to using Google's DFP as
9 its publisher ad server for display, what
10 impact, if any, did it have on the amount of
11 revenue that The New York Times received from
12 Google's AdX?

13 A. Switching to Google Ad Manager
14 allowed us to operate with programmatic
15 partners more effectively in the now modern
16 space of programmatic, historically
17 programmatic was at the beginning of the
18 programmatic lifespan, it was a tag-based
19 solution which was in efficient and
20 ineffective and switching to Google Ad
21 Manager allowed us to work with more partners
22 more effectively and utilize features that
23 were not available within our own proprietary
24 ad server.

25 Q. When you mentioned a tag-based

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 system, what were you referring to?

3 A. In the past, early days in
4 programmatic, the programmatic partner,
5 whether that be a network or a specific
6 advertiser that wanted to create a
7 programmatic-ish relationship, they would
8 send us a creative tag that would be placed
9 into the ad server and then submit bids
10 within that tag, but that did not mean that
11 that programmatic bid would win, and
12 ultimately making that impression unfilled
13 and not being monetized for the publisher,
14 which would then put the revenue at a
15 deficit. The modern programmatic space now
16 allows for more bids to be submitted, and
17 then fill when something chooses not to win
18 the bid, or that's not the right audience for
19 it, that they did not compete, compete to win
20 the CPM.

21 MR. BLAISDELL: I'll just object to
22 the form of the last question.

23 Q. Under tagged-based bidding for
24 display in multiple exchanges submit realtime
25 bids for the same impression?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MS. MORGAN: Objection to form,
3 lacks foundation.

4 A. A tagged-based solution is not an
5 exchange and it would be -- it would not be
6 as effective.

7 Q. Why is a tagged-based system for
8 display not as effective in your opinion?

9 MS. MORGAN: Objection, form.

10 MR. BLAISDELL: Object to the form.

11 A. The tagged-based solution is not as
12 effective because when the specific tag is
13 entered into the ad server, it will be called
14 by the ad server and it may win, but a bid
15 may not be returned or the bid may not be
16 won, within the tag, and then it would go
17 unfilled and there would be essentially a
18 blank space and the publisher would not earn
19 revenue on that.

20 Q. Let me go back to another question.

21 When The New York Times switched
22 from using its proprietary publisher ad
23 server for display to using Google's
24 publisher ad server, what effect, if any, did
25 that have on the amount of revenue The New

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 York Times got from Google's AdX?

3 MS. MORGAN: Objection to form.

4 A. I cannot speak to the specific
5 numbers off the top of my head, but switching
6 to Google Ad Manager allowed us to
7 incorporate programmatic more fully into our
8 advertising business, and resulted in [REDACTED]

9 [REDACTED]
10 [REDACTED]
11 Q. Let me turn back to The New York
12 Times' proprietary publisher ad server.

13 What disadvantages, if any, are
14 there to The New York Times using a publisher
15 ad server for display that it has built and
16 operated itself?

17 MR. BLAISDELL: Object to form.

18 MS. MORGAN: Objection to the form.

19 A. Just to clarify, disadvantages?

20 Q. Right.

21 A. Maintaining ad technology that is
22 homegrown, built internally, whether that be
23 an ad server, has several disadvantages.
24 One, the operational support and
25 infrastructure in capital resources required

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 to maintain that and to evolve with the
3 industry changes would require us to invest a
4 significant portion. And then also just
5 staying up to date with the evolving
6 landscape of the ad formats and being able to
7 adapt to our clients' needs readily and
8 availably, or quickly.

9 Q. Do you know if any publishers other
10 than The New York Times use their own
11 proprietary publisher ad server for display
12 today?

13 MS. MORGAN: Objection to form.

14 MR. BLAISDELL: Object to form.

15 A. I do not know of any off the top of
16 my head.

17 Q. Do you know how common it is today
18 for publishers to use their own proprietary
19 publisher ad servers for display?

20 MR. BLAISDELL: Object to form.

21 A. I do not know the commonality of
22 it. I know that there is essentially an
23 industry standard for an ad server. I would
24 suspect that it's low.

25 Q. Today, do you view building a

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 proprietary ad server for display as being a
3 viable alternative to Google's DFP ad server?

4 MR. BLAISDELL: Object to form.

5 MS. MORGAN: Objection to form.

6 A. It's a complicated question to
7 answer, and it depends on the priorities and
8 the strategy of the publisher themselves.
9 For The New York Times, at this time it is
10 not something that we are looking to do, but
11 for other publishers that believe they have a
12 competitive advantage or have the capability
13 to do this well, that could be possible for
14 them, but I cannot speak or speculate on, on
15 that.

16 Q. For The New York Times today, why
17 is building a proprietary publisher ad server
18 for display in your view not something The
19 New York Times is looking something to do?

20 MS. MORGAN: Objection to form.

21 MR. BLAISDELL: Object to form.

22 A. Today we have many different
23 strategic priorities that are prioritized
24 ahead of building homegrown technology
25 specifically around ad serving, and it is not

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 something that we are looking to do at this
3 point.

4 Q. Today, in your opinion, would it be
5 easy for The New York Times to build and
6 maintain a proprietary publisher ad server
7 for display?

8 MS. MORGAN: Objection to form.

9 MR. BLAISDELL: Object to form.

10 A. Easy is a pretty relative term. I
11 suspect that it would not be easy for the
12 reasons that I outlined why we made the
13 switch to Google Ad Manager or DFP. It would
14 be require a large amount of capital
15 resourcing, personnel resourcing and
16 infrastructure output that would be required
17 to make that change.

18 Q. In your opinion would it be a good
19 idea for The New York Times to start using a
20 proprietary ad server for display today?

21 MS. MORGAN: Object to form.

22 MR. BLAISDELL: Object to form.

23 A. Can you repeat the question?

24 Q. Sure.

25 Just in your opinion would it be a

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 good idea for The New York Times to start
3 using a proprietary publisher ad server for
4 display today?

5 MS. MORGAN: Objection to form.

6 MR. BLAISDELL: Object to form.

7 A. In my personal capacity as an
8 individual, I would not make that
9 recommendation.

10 Q. Why would you personally not
11 recommend that The New York Times develop its
12 own proprietary publisher ad server system
13 today?

14 MS. MORGAN: Objection to form.

15 A. In my own personal capacity, I
16 believe that there are many different
17 priorities that supersede the need for making
18 that change, and there are -- there is value
19 in economies of scale in using a standard
20 infrastructure and system.

21 Q. Why do you think there is value in
22 economies of scale for display publisher ad
23 servers that are not built as a proprietary
24 ad server by the publisher?

25 MS. MORGAN: Objection to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to form.

3 A. I'm sorry. I'm going to ask you to
4 repeat that once more.

5 Q. Sure.

6 Focusing on publisher ad servers
7 that are not built as proprietary ad servers
8 of a publisher, why do you think that there
9 are economies of scale in display publisher
10 ad serving?

11 MR. BLAISDELL: Object to form.

12 A. The economies of scale I'm
13 referencing is the features that get rolled
14 out at a -- in a broad-based way, allows
15 multiple users of that technology to benefit
16 at the same time, or roughly the same time,
17 and also aligns or is able to make changes to
18 industry trend changes, whether that be ad
19 formats or targeting or anything along those
20 lines.

21 Q. Whether The New York Times moved
22 away from using its proprietary publisher ad
23 server to Google's DFP ad server, did The New
24 York Times consider using any other publisher
25 ad servers instead of DFP?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. I do not recall off the top of my
3 head, yeah.

4 Q. So I am going switch topics a
5 little bit. I'm going to try ask you asking
6 you questions off the top of your head. If
7 we need a document, we can go there.

8 For programmatic display, for The
9 New York Times, what is the largest exchange
10 in terms of the percentage of the New York
11 Times' programmatic display revenue that that
12 exchange handles?

13 MS. MORGAN: Objection to form.

14 A. [REDACTED]

[REDACTED]

[REDACTED]

17 Q. If I use the phrase "AdX," will you
18 understand that I'm referring to the Google's
19 ad exchange?

20 A. Yes.

21 Q. What percentage approximately of
22 The New York Times' programmatic display
23 revenue does Google's AdX exchange account
24 for?

25 A. It's difficult to say as it varies

GLOGOVSKY - HIGHLY CONFIDENTIAL

day to day, week by week and even by quarter.

[REDACTED]

[REDACTED].

Q. Do you believe that Google's, Google AdX percentage of The New York Times programmatic display revenue would be typically above 70 percent or below 70 percent?

MS. MORGAN: Objection to form.

MR. BLAISDELL: Object to form.

A. Can you clarify "typically"? I'm sorry, I want to be very precise on this.

Q. On average in a given year, for any of the past three years, would Google AdX' percentage of The New York Times' programmatic display revenue be more or less than 70 percent?

MS. MORGAN: Objection to form.

A. I don't know the specifics as it varies greatly day by day. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. I would ask you to turn back to
3 Exhibit 3. This was the document with the
4 title, "Index Exchange Bidder Test Results"
5 at the top.

6 I'm going to ask you to turn to
7 page, it's page 5 in the PDF and it ends with
8 the Bates number 112.

9 A. I have it open. Sorry. If you
10 need my confirmation.

11 Q. No worries.

12 First question, do you remember
13 about what date this document, like there are
14 charts on this page that show shares of The
15 New York Times' revenue by partner. Do you
16 know about what date range that chart would
17 apply to?

18 A. On this slide specifically, I
19 cannot recall the date range, and it does not
20 look to be present on this slide
21 specifically.

22 Q. Do you remember about when The New
23 York Times was considering switching away
24 from Index Exchange's header bidding wrapper?

25 A. I believe this test was conducted

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 in 2019.

3 Q. Would it be fair to assume that
4 these revenue share numbers are from around
5 2019 or slightly earlier, like possibly 2018?

6 MR. BLAISDELL: Object to form.

7 MS. MORGAN: Object to form.

8 A. The revenue percentages or share of
9 revenue would be isolated to the test itself,
10 around that period of time.

11 Q. If you look at, let's start with
12 the share chart in the upper right, there
13 are -- it says, "revenue by partner control
14 variant," and then -- I'm just describing
15 this for the record -- there is a sort of
16 line share chart and on the left axis there
17 is like various percentage numbers like
18 zero percent, 20 percent. Do you see that?

19 A. I do.

20 Q. This chart, is it fair to say that
21 this chart indicates that AdX and open
22 bidding accounted for around 70 percent to up
23 to around 80 percent bearing by time of The
24 New York Times' programmatic display revenue?

25 MS. MORGAN: Objection to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to form.

3 MS. MORGAN: Also lacks foundation.

4 A. Sorry. Can you please repeat the
5 question?

6 Q. Sure.

7 This chart entitled, "Revenue by
8 Partner: Control Variant" shows that AdX and
9 open bidding accounted for approximately
10 70 percent and up to 80 percent approximately
11 of New York Times' programmatic display
12 revenue as of the time of this chart; is that
13 fair?

14 MS. MORGAN: Objection to form,
15 lacks foundation.

16 A. Based on this chart in front of me,
17 yes, I think that's fair.

18 Q. Were you involved in the tests that
19 are depicted on this slide?

20 MR. BLAISDELL: Object to form.

21 A. As my responsibilities around this
22 time of this test, I would have been
23 involved.

24 Q. Do you remember if you were
25 involved in creating this document,

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Exhibit 3?

3 A. Yes, I believe I was involved.

4 Q. Do you know where the data that
5 forms the basis for this "Revenue By Partner:
6 Control Variant" chart would come from?

7 A. The data used for this chart would
8 have been provided by our partners in the
9 data and insights group and the data would
10 have been built off of our data warehouse
11 which includes Google's data transfer files
12 and our partner data that is aggregated and
13 adjusted.

14 Q. Do you have any reason to believe
15 that this "Revenue By Partner: Control
16 Variant" chart is inaccurate in any way?

17 A. I do not have any reason to believe
18 it would be inaccurate in any way.

19 Q. If you were to set aside this chart
20 for the moment, would your expectation be
21 that AdX and open bidding combined would
22 account for around 70 percent of The New York
23 Times' programmatic display revenue in
24 approximately 2019?

25 MR. BLAISDELL: Object to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MS. MORGAN: Object to the form.

3 A. Speaking for this chart in the
4 specific timeframe that it is representing,
5 AdX, with the inclusion of its other, with
6 our other programmatic partners running
7 within EB, yes, it would be at or above
8 70 percent, with the inclusion of exchange
9 bidding.

10 Q. And the answer that you just gave,
11 are you basing that on your own knowledge or
12 on the chart?

13 A. I am using the production document
14 in front of me as the basis of my answer.

15 Q. I see.

16 Setting this document aside, what
17 is your understanding of the -- what was your
18 best estimate of --

19 MR. VERNON: I'm sorry. Can I
20 start over again?

21 Q. Setting this document aside, what
22 would be your best estimate for today, the
23 percentage of New York Times' programmatic
24 display revenue that comes from AdX
25 specifically?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to form.

3 A. AdX specifically, with the
4 exclusion of our partners running within open
5 bidding, it would be the majority share, but
6 I do not expect it to be the number in the
7 document here, with the exclusion of EB, and
8 it varies depending on seasonality and
9 whether or not there are direct campaigns
10 that could even influence the share of
11 programmatic revenue that is generated by
12 AdX.

13 Q. Setting aside this document, what
14 would your best estimate be for the
15 percentage of New York Times' programmatic
16 display revenue that comes from AdX and open
17 bidding combined?

18 MS. MORGAN: Objection to form.

19 MR. BLAISDELL: Object to form.

20 A. My best guess, without the data in
21 front of me, and I could speculate that it
22 would be between [REDACTED].

23 Q. Okay. So it sounds like your best
24 estimate is that, as of today, AdX would
25 account for [REDACTED] of New York

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Times' programmatic display revenue; is that
3 correct?

4 MS. MORGAN: Objection to form.

5 MR. BLAISDELL: Object to form.

6 A. Yes.

7 Q. Apologies. Let me just reask this
8 slightly.

9 As of today, what would your
10 estimate be for the percentage of The New
11 York Times' programmatic display revenue that
12 comes from AdX?

13 MR. BLAISDELL: Object to form.

14 A. Sorry. Can you please repeat the
15 question?

16 Q. Sure.

17 As of today, what would your best
18 estimate be for the percentage of The New
19 York Times' programmatic display revenue that
20 comes from AdX?

21 MR. BLAISDELL: Object to form.

22 A. Based on my best guess for web and
23 apps, not inclusive of audio or newsletter,
24 and explicitly AdX, I would suspect that the
25 share of revenue for open auction would be

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 [REDACTED].

3 Q. What is your best the estimate, as
4 of today, for what the share would be for the
5 second largest exchange in terms of the share
6 of The New York Times' programmatic display
7 revenue that would come from that exchange?

8 MS. MORGAN: Objection to form.

9 MR. BLAISDELL: Object to form.

10 A. Once again, only web and app and
11 excluding newsletter and audio for the second
12 largest programmatic partner, the best guess
13 I have would range and vary depending on the
14 seasonality and time of year and platform
15 would be between [REDACTED].

16 Q. And which exchange would be the
17 second largest for the programmatic display
18 for The New York Times?

19 MR. BLAISDELL: Object to form.

20 A. That number or -- I'm sorry -- that
21 exchange varies. We have seen exchanges
22 perform more strongly in different periods of
23 the year, and I cannot recall who, what
24 number to be at this ask exact moment, in
25 this, or today or in recent history.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Understood.

3 Is having access to AdX for
4 programmatic display good for The New York
5 Times?

6 MS. MORGAN: Objection to form.

7 MR. BLAISDELL: Object to form.

8 A. I think it's a complicated question
9 to answer for our programmatic revenue,
10 isolating that, to that, AdX is a benefit for
11 our programmatic revenue, revenue in the
12 overall ad business, yeah.

13 Q. Why is that?

14 A. We -- we review a number of
15 different criteria when looking at
16 programmatic partners to potentially partner
17 with. Obviously that is inclusive of
18 revenue, but the uniqueness or the
19 incrementality of that revenue is very, very
20 important. The other parts are also the
21 amount of resources and operational expense
22 that would be required, expense both being in
23 time and wages, and also the capabilities
24 that a partner may provide or should provide
25 for ad quality controls and who we allow on

GLOGOVSKY - HIGHLY CONFIDENTIAL

and who we can block. Google AdX, if I was looking at this as a new partner, would be able to fulfill most of those criteria, both in quality controls and uniqueness of revenue, and also not operationally burdensome as potentially others.

Q. How unique or not unique is the revenue that Google AdX brings to New York Times?

MS. MORGAN: Objection to form.

MR. BLAISDELL: Object to form.

A.

Veritext Legal Solutions

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 [REDACTED]
3 [REDACTED].

4 Q. Has The New York Times performed
5 the uniqueness test that you described for
6 either AdX or other exchanges for
7 programmatic display?

8 A. I don't recall a specific date or
9 test for Google specifically.

10 Q. What do you recall about the tests
11 that The New York Times has conducted about
12 the uniqueness of programmatic display
13 exchanges?

14 MS. MORGAN: Objection to form.

15 A. Sorry. Can you please repeat the
16 question?

17 Q. Sure.

18 What do you recall about any tests
19 that The New York Times conducted about the
20 uniqueness of different programmatic display
21 exchange partners?

22 A. I'm really sorry. Can you please
23 clarify?

24 Q. Okay. Did The New York Times
25 conduct any tests designed to figure out

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 whether particular exchanges provided unique
3 revenue for programmatic display?

4 A. [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. One thing you mentioned when you're
13 talking about whether Google AdX brought
14 unique revenue or not was what other people
15 tell you, including Google. Do you remember
16 that?

17 A. I do.

18 Q. What, if anything, did Google tell
19 you about the uniqueness of the revenue that
20 The New York Times could get from Google's
21 AdX?

22 MS. MORGAN: Objection to form.

23 MR. BLAISDELL: Object to form.

24 A. I do not recall the specifics as
25 this, this switch has taken place for, for a

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 long time now, relatively speaking. I don't
3 remember the specifics of it. But we are
4 aware that there are advertisers that use
5 Google and prefer Google as their ad
6 technology, and we would assume that is, that
7 is unique demand that we would not get from
8 other ad technology.

9 Q. Why do you assume that Google's AdX
10 exchange provides The New York Times unique
11 demand for programmatic display?

12 MS. MORGAN: Objection to form.

13 A. It is also our understanding that
14 Google's buy-side platform, which is popular
15 on the buy side, would be another reason why
16 the unique demand would be coming through
17 AdX.

18 Q. When you're referring to the
19 Google's buy-side platforms, are you
20 referring to the Google's DSP or the Google
21 display network or something else?

22 MS. MORGAN: Objection to form.

23 A. Referencing both of them.

24 Q. What's your understanding of how
25 unique or not unique the demand is from

GLOGOVSKY - HIGHLY CONFIDENTIAL

Google's DSP?

MR. BLAISDELL: Object to form.

A. [REDACTED]

[REDACTED]

Q. Do you know one way or the other whether the demand from Google's DSP is unique?

MR. BLAISDELL: Object to form.

A. Sorry. Can you please clarify?

Q. Sure.

Do you know whether -- how about this: What is your best, best estimate, using your experience in the industry, as to whether the demand that comes from Google's DSP is either unique or not unique?

MS. MORGAN: Objection to form.

GLOGOVSKY - HIGHLY CONFIDENTIAL

Q. Focusing on open auction specifically, what is your best estimate for whether Google's DSP either does or does not provide unique demand for The New York Times?

MR. BLAISDELL: Object to form.

A. I'm going to ask you to clarify again. I'm trying to understand what you're looking for as the best guess.

Q. Just qualitatively whether your best estimate, based on your experience in the industry, is either that Google's DSP does provide unique revenue for The New York Times or it does not?

A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. So stepping aside from the question of a specific percentage, what's your best estimate for, based on your experience in the

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 industry, whether the Google DSP either does
3 or does not provide unique demand to The New
4 York Times for open auction specifically?

5 MS. MORGAN: Object to form.

6 A. For -- I'm sorry. I'm still
7 struggling with the question. I am going to
8 have to ask you again.

9 Q. Sure.

10 So I don't want to ask about a
11 specific percentage.

12 A. Okay.

13 Q. What I do want to ask about is just
14 your best estimate, again based on your
15 experience, for whether Google's DSP either
16 does provide unique revenue to New York Times
17 for open auction specifically or it does not?

18 MS. MORGAN: Objection to form.

19 MR. BLAISDELL: Object to form.

20 A. From my personal capacity and my
21 experience that you called out, I do believe
22 that Google AdX does provide unique demand.

23 Q. Let me ask a slightly different
24 question. I think you answered about AdX.
25 Do you remember that?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Focusing on Google's DSP, what's
3 your best sense for whether Google's DSP
4 either does or does not provide unique demand
5 to The New York Times for open auction
6 specifically?

7 MS. MORGAN: Objection to form.

8 A. My best guess for The New York
9 Times specifically that AdX does provide
10 unique demand for open auction.

11 Q. But I think you referred to AdX
12 again and I'm just trying to ask about the
13 DSP. Does that make sense?

14 A. All right, yes.

15 Q. Let me just ask my question, so
16 it's clearer.

17 What's your best estimate, based on
18 your experience, for whether Google's DSP
19 either does or does not provide unique demand
20 for open auction specifically for The New
21 York Times?

22 A. My best guess is that Google's DSP
23 has unique demand and transacts on The New
24 York Times.

25 Q. Sorry. It took me a while to get

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 there.

3 What is your best estimate based on
4 your experience for whether Google's display
5 network provides unique demand for open
6 auction displays, specifically for The New
7 York Times?

8 MS. MORGAN: Objection to form.

9 MR. BLAISDELL: Object to form.

10 A. My best guess is that Google's
11 display network does provide unique demand to
12 The New York Times.

13 Q. And why?

14 MR. BLAISDELL: Object to form.

15 A. From my understanding, the demand
16 from Google's ad network -- sorry, I'm
17 forgetting the appropriate, exact name --
18 provides unique demand that is not available
19 to either SSPs from our understanding and is
20 only accessible through AdX.

21 Q. Can you explain, at whatever level
22 of generality you're comfortable with, how
23 important the unique demand that comes from
24 Google's display network is for The New York
25 Times?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MS. MORGAN: Objection to form.

3 MR. BLAISDELL: Object to form.

4 A. In general we are actively seeking
5 out unique demand across all of our
6 programmatic providers or SSP providers, and
7 that uniqueness in each of those providers is
8 very important, and the primary, one of the
9 reasons, one of the primary reasons of many
10 reasons why we would work with them. And
11 specifically to your point, Google would be
12 one of those providers that we would, we
13 would consider that.

14 Q. Is it fair to say that the Google
15 display network has the largest source of
16 unique demand for programmatic display for
17 The New York Times specifically?

18 MS. MORGAN: Objection to form,
19 lacks foundation.

20 MR. BLAISDELL: Object to form.

21 A. Can you clarify the question?

22 Q. Sure.

23 What's your understanding of what
24 the largest source of unique demand is for
25 programmatic display revenue specifically?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to form.

3 A. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

10 Q. In your last answer, did you mean
11 to say that Google has the largest share of
12 unique demand for programmatic display for
13 The New York Times?

14 MS. MORGAN: Objection to form.

15 A. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

22 Q. Understood.

23 Let me switch topics politely.

24 What is AdX' -- Google AdX' take
25 rate for open auction display for The New

GLOGOVSKY - HIGHLY CONFIDENTIAL

York Times?

MR. BLAISDELL: Object to form.

MS. MORGAN: Objection, form, lacks foundation.

A. I can only speak for the numbers that we have within our contract with Google and is only the revenue shares that we have with Google.

Q. Go ahead.

A. [REDACTED]

[REDACTED] Our -- off the top of my head, if I'm remembering correctly -- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

Q. Can you just repeat the take rate numbers? I'm not sure that I got this and by the different categories.

A. [REDACTED]

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 [REDACTED]
3 [REDACTED]
4 [REDACTED] [REDACTED]
5 [REDACTED]
6 [REDACTED] [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED].

10 Q. And all of the revenue shares that
11 you just listed were for Google's AdX
12 exchange; is that right?

13 A. That is correct.

14 Q. Okay. For The New York Times
15 specifically?

16 A. Correct, for The New York Times
17 specifically.

18 Q. Okay. Approximately what
19 percentage of The New York Times programmatic
20 display revenue is open auction display?

21 A. [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 [REDACTED]

3 [REDACTED]

4 [REDACTED].

5 Q. What practical impact, if any,
6 would losing access to AdX have on The New
7 York Times?

8 MS. MORGAN: Objection to form.

9 MR. BLAISDELL: Object to form.

10 A. Practical impact losing access to
11 AdX would require a migration. It would
12 require migration to a new partner, discovery
13 of who that new partner is, testing to ensure
14 that that partner would be able to fulfill
15 the gap that is, that it would leave behind
16 such as any partner we remove and also
17 testing to understand if our existing
18 partners would be able to make up the revenue
19 that would be missed.

20 Q. Based on your experience with The
21 New York Times, what's your best estimate for
22 whether The New York Times could or could not
23 replace any revenue that New York Times would
24 lose if it turned off access to AdX for
25 programmatic display?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MS. MORGAN: Objection to form.

3 MR. BLAISDELL: Object to form.

4 A. It's a difficult question to
5 answer. Our priority continues to remain on
6 direct advertising with those relationships
7 directly with advertisers and agencies. I
8 would suspect that our efforts there would be
9 able to help offset some of that revenue loss
10 and partners would also fill the gap that,
11 partially fill the gap that was created by no
12 longer having AdX as an open auction PMP
13 partner.

14 Q. What's your expectation for whether
15 The New York Times could or could not fully
16 replace any revenue that it might lose if it
17 were to turn off open, if it were to turn off
18 AdX for programmatic display?

19 MS. MORGAN: Objection to form.

20 MR. BLAISDELL: Object to form.

21 A. Again, it's hard to answer. We
22 would also expect that advertisers that were
23 coming through any given programmatic partner
24 or SSP inclusive of Google would be still
25 actively seeking The New York Times as a

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 publisher to display their ads and would
3 create an opportunity for our direct business
4 to grow through those relationships now that
5 access or access pipe would be no longer
6 available. And recovering the entire gap is
7 difficult to measure, but it would be -- it
8 would be potentially possible through the
9 means of other programmatic partners and also
10 our direct business, which continues to
11 remain a priority of ours.

12 Q. Has The New York Times ever tried
13 to turn off AdX for programmatic display?

14 A. [REDACTED]
[REDACTED]
[REDACTED].

17 Q. Would you recommend The New York
18 Times turn off AdX for programmatic display
19 overall?

20 MS. MORGAN: Objection to form.

21 A. Can you repeat the question?

22 Q. Sure.

23 Would you recommend that The New
24 York Times turn off AdX for programmatic
25 display overall?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MS. MORGAN: Object to form.

3 A. In my personal capacity, I would
4 not make that recommendation.

5 Q. Why?

6 A. In my personal capacity I do
7 believe the revenue we are earning from AdX
8 is worth not missing, and it's also helping
9 drive competition in the ad call bids which
10 is ultimately growing revenue.

11 Q. I think you said earlier your best
12 estimate was the share of The New York Times
13 open auction display revenue, it comes from
14 AdX [REDACTED]; did I get that
15 right, [REDACTED]?

16 A. Yes.

17 MR. BLAISDELL: Object to form.

18 Q. And then the next largest, your
19 estimate was, between I think [REDACTED]
20 [REDACTED]; is that right?

21 A. Yes.

22 Q. What's your best estimate for
23 whether it would be harder or easier for The
24 New York Times to turn off AdX for
25 programmatic display compared to other

GLOGOVSKY - HIGHLY CONFIDENTIAL

exchanges?

MS. MORGAN: Objection to form.

MR. BLAISDELL: Object to form.

A. Turning off revenue from a predominant revenue source would be harder to turn off, because it would create a gap that would be harder and likely take more time to fill.

Q. And when you refer to "a predominant revenue source," you're referring to Google's AdX; is that right?

A. Specifically for open auction, yes.

Q. Okay. For -- how do Google's open auction take rates for display compared to the open auction take rates for the other exchanges that you're aware of that The New York Times used?

MS. MORGAN: Objection to form.

MR. BLAISDELL: Object to form.

A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 [REDACTED]
3 [REDACTED]
4 [REDACTED].

5 Q. And what are the opening auction
6 take rates for The New York Times AppNexus?

7 MR. BLAISDELL: Object to form.

8 A. I don't have the take rates
9 specifically off the top of my head, but we
10 do attempt to negotiate [REDACTED]

11 [REDACTED].

12 Q. Are The New York Times take rates
13 for AppNexus lower than, equal to or higher
14 than AdX' take rates for open auction for The
15 New York Times?

16 MS. MORGAN: Objection to form.

17 MR. BLAISDELL: Object to form.

18 A. [REDACTED]

19 [REDACTED]
20 [REDACTED]

21 Q. Do you know specifically what
22 AppNexus' take rates for The New York Times
23 are for open auction for display?

24 A. [REDACTED]

[REDACTED] [REDACTED]

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 Q. Do you know specifically whether
8 AppNexus' take rate for The New York Times
9 for open auction display is [REDACTED] or you
10 just don't know off the top of your head?

11 MS. MORGAN: Objection to form.

12 MR. BLAISDELL: Object to form.

13 A. I don't know off the top of my
14 head.

15 MR. VERNON: Now might be a good
16 time to take a ten-minute break.

17 MS. MORGAN: Sounds good to me.

18 MR. BLAISDELL: That's fine.

19 THE VIDEOGRAPHER: Standby, please.
20 The time is 2:18 p.m. We are going off
21 the record and this will be end media
22 unit number 3.

23 (A brief recess was taken.)

24 THE VIDEOGRAPHER: The time is
25 2:31 p.m. We are back on the record.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL
2 working with today and helping us achieve our
3 revenue goals.

4 Q. It would be easy or difficult for
5 The New York Times to switch away from
6 Google's DFP to another publisher ad server
7 for display?

8 MR. BLAISDELL: Object to form.

9 A. Can you clarify, publisher ad
10 server, can you clarify that?

11 Q. Yes, just an ad server that a
12 publisher like The New York Times would use
13 to serve ads for programmatic display, as
14 opposed to an advertiser ad server which is a
15 different thing that advertisers use. Does
16 that make sense?

17 A. Yes, thank you.

18 MR. BLAISDELL: Object to form.

19 Q. So let me ask again. Would it be
20 easy or difficult for The New York Times to
21 switch away from Google's DFP to another
22 publisher ad server for display?

23 MS. MORGAN: Objection, form.

24 MR. BLAISDELL: Object to form.

25 A. All ad server migration and changes

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 are difficult and challenging for publishers
3 for a number of reasons. They are
4 operationally complex, require a substantial
5 amount of tech, technical resources, capital
6 infrastructure and oftentimes expenses to
7 make that switch. So a migration would be a
8 challenge.

9 Q. Do you have an understanding, based
10 on your years of experience in the industry,
11 whether AdX submits realtime bids to a
12 publisher if the publisher does not use DFP
13 as its publisher ad server for display?

14 MS. MORGAN: Objection to form.

15 MR. BLAISDELL: Object to form.

16 A. It is my general understanding that
17 the AdX is available through Google Ad
18 Manager.

19 Q. What do you mean by that?

20 A. Without Google Ad Manager you would
21 not be able to access that demand.

22 Q. Okay. And do you know why a
23 publisher like The New York Times cannot
24 access the AdX demand if it doesn't use
25 Google Ad Manager as its publisher ad server?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Google AdX -- I'm sorry -- that The New York
3 Times gets from Google AdX for display?

4 MS. MORGAN: Objection to form,
5 lacks foundation.

6 A. The removal of Google AdX, its
7 impact on revenue for The New York Times' ads
8 business, would be reduced, at least in the
9 short term, until our existing or new
10 partners filled the gap and/or our direct
11 business making up for it, and creating new
12 opportunities with direct relationships with
13 advertisers.

14 MR. BLAISDELL: Object to the form
15 of the last question.

16 Q. I think you said you would not
17 recommend turning off AdX for display; is
18 that correct?

19 A. That is correct.

20 Q. Is it fair to say you would not
21 recommend switching away from Google Ad
22 Manager for The New York Times's display
23 publisher ad server?

24 A. That is correct.

25 Q. And is one of the reasons that you

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 would not recommend switching away from
3 Google Ad Manager as publisher ad server,
4 that New York Times could potentially lose
5 revenue from AdX?

6 MS. MORGAN: Objection to form.

7 A. It's one of a number of reasons why
8 I would make that recommendation. Revenue
9 implications being one of them, also the
10 burden it would add to the organization
11 technically and on the personnel side as
12 well.

13 Q. Let me ask you in a slightly
14 different way.

15 What are the main reasons why you
16 would not recommend that The New York Times
17 switch away from Google Ad Manager as
18 publisher ad server for display?

19 MS. MORGAN: Objection to form.

20 MR. BLAISDELL: Object to form.

21 A. The main reasons that come to mind
22 for making a recommendation to not make that
23 change would be the operational effort and
24 burden that it would apply to the
25 organization and the stakeholders and

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 individuals that would be required to make a
3 change of that capacity; the potential
4 revenue implications of making a switch most
5 changes of ad technology have some impact to
6 revenue in some capacity, whether it be short
7 or long term; and then also making sure that
8 we have the appropriate technology that
9 allows for us to offer the formats and
10 targeting that is most desirable to the ad
11 marketplace today.

12 Q. When you refer, when you referred a
13 second ago to potential revenue implications,
14 were you referring to a potential reduction
15 in AdX revenue?

16 MS. MORGAN: Objection to form.

17 A. The revenue, the switch for Google
18 Ad Manager would have implications beyond
19 just Google programmatic AdX. It would also
20 impact our other direct revenue and
21 programmatic partners as well.

22 Q. Is it fair to say that one of the
23 reasons you would not --

24 MR. VERNON: Let me step back.

25 Q. Would The New York Times prefer to

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 lacks foundation.

3 MR. BLAISDELL: Object to form.

4 A. Can you please repeat?

5 Q. Sure.

6 Would it be good or bad for The New
7 York Times, in your opinion, if the New York
8 Times were to switch away from Google Ad
9 Manager as its publisher ad server for
10 display and then lose revenue from AdX?

11 MS. MORGAN: Objection to form.

12 MR. BLAISDELL: Object to form.

13 A. In my capacity as VP of revenue
14 operations, I would not make that
15 recommendation and it would be a bad
16 decision, as it would impact both operations
17 of the organization and our revenue, and
18 likely distract us from current priorities
19 that we are focused on.

20 Q. Going back to the price, let me go
21 back to the price floor issue again. Is that
22 okay?

23 A. Yes. I think I answered that,
24 right.

25 Q. Is it bad for publishers to have

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to form.

3 A. Can you clarify, please?

4 Q. Sure.

5 Can you identify a specific reason
6 why it would be bad for publishers to have
7 the option to set different price floors for
8 different exchanges?

9 MS. MORGAN: Objection to form.

10 A. Controls put in place by systems
11 may have the capability of preventing
12 unintended consequences and errors, and we,
13 the publishers, The New York Times, make
14 changes periodically within these systems and
15 having the control over those pricing changes
16 to an extent is what we want. But not if
17 it's at the same time like undoing or having
18 adverse, unintended consequences. That
19 would be one reason why limiting the control
20 of pricing would be potentially a benefit to
21 The New York Times.

22 Q. Is it fair to say that other
23 publishers could take the perspective that
24 they would prefer in setting different price
25 floors for different exchanges?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to form.

3 MS. MORGAN: Form.

4 A. I think it's fair to say, and I
5 would speculate that other publishers would
6 like that level of control.

7 Q. Do you think it makes sense to give
8 publishers the option to set different price
9 floors for different exchanges for display?

10 MS. MORGAN: Object to form.

11 MR. BLAISDELL: Object to form.

12 A. I believe it makes sense to provide
13 publishers the capability of adjusting
14 pricing floors within their systems, yes.

15 Q. Why do you believe it makes sense
16 to give publishers the option to set
17 different price floors for different
18 exchanges for display?

19 MS. MORGAN: Objection to form.

20 A. One of the most obvious reasons for
21 us is price is one of the -- excuse me --
22 price is one of the most important
23 determinants of how much fill and the number
24 of advertisers coming into the supply. A
25 higher price floor will reduce the number of

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 advertisers or impressions being filled by
3 programmatic partners within a space. We
4 have used this on occasion to protect for
5 high, better ad quality and this capability
6 allows us to do that.

7 Q. If you were in charge of the
8 decision, what would you do, would you give
9 publishers the option to set different price
10 floors for different exchanges or not?

11 MR. BLAISDELL: Object to form.

12 MS. MORGAN: Objection to form.

13 A. Can you clarify, me personally or
14 The New York Times?

15 Q. You personally.

16 A. In my personal capacity and not
17 speaking on behalf of The New York Times, I
18 do believe publishers should have at least a
19 level of price floor manipulation or options
20 for advertisers and -- and certain types of
21 deals, transaction types, platforms, there is
22 a number of pricing floor levers and
23 capabilities that I do believe personally
24 should be available to publishers, yes. And
25 I would make that decision, making it

1 GLOGOVSKY - HIGHLY CONFIDENTIAL
2 available.

3 Q. Does that include different floors
4 for different exchanges?

5 MS. MORGAN: Objection to form.

6 MR. BLAISDELL: Object to form.

7 THE WITNESS: Excuse me. I need
8 to, something is on my screen. My
9 computer's about to go off.

10 MR. BLAISDELL: Just potentially
11 answer the question, just hit "postpone"
12 I think.

13 THE WITNESS: Can you please repeat
14 the question?

15 MR. VERNON: Sure. I'm going to
16 phrase it slightly differently.

17 Q. Do you personally believe if the
18 decision were up to you would you give
19 publishers the option to set different price
20 floors for different exchanges for display or
21 would you not give them an option?

22 MS. MORGAN: Objection to form.

23 MR. BLAISDELL: Object to form.

24 A. If it was up to me personally, in
25 my own personal capacity, I would give

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 publishers the capability of making price
3 floors for each of their programmatic
4 partners, or providers.

5 Q. And you are aware that Google's UPR
6 prevents publishers who use Google Ad Manager
7 as their publisher ad server from setting
8 different floors for different exchanges; is
9 that fair?

10 MS. MORGAN: Objection to form,
11 lacks foundation.

12 A. I understand that there are
13 limitations to UPR. I also know and
14 reference the floors that we do have the
15 access and capability of managing within each
16 of the programmatic providers as well, which
17 is another lever that we can utilize when
18 needed.

19 Q. I think you're aware that Google's
20 UPR prevents publishers from setting
21 different floors for different exchanges; is
22 that fair?

23 A. Yes.

24 MS. MORGAN: Objection to form.

25 MR. BLAISDELL: Object to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. So you personally disagree with
3 that; is that right?

4 MS. MORGAN: Objection to form.

5 MR. BLAISDELL: Object to form.

6 MS. MORGAN: Lacks foundation.

7 A. In my personal capacity, I believe
8 publishers should have the capability of
9 creating floors for each of their SSP
10 providers.

11 Q. Did you attend the meeting between
12 Google and publishers about UPR and its
13 impact on price floors?

14 MS. MORGAN: Objection to form,
15 lacks foundation.

16 MR. BLAISDELL: Object to form. Go
17 ahead, you can answer.

18 A. Can you clarify which meeting?

19 Q. Have you attended any meetings
20 between Google and a group of publishers,
21 including yourself, about UPR's restriction
22 on price floors for different exchanges?

23 A. Yes, I have attended UPR meetings
24 in the past.

25 Q. And did you attend one where it was

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 a meeting between Google and multiple
3 publishers?

4 A. Yes.

5 Q. At that meeting do you remember any
6 publishers criticizing Google's UPR for
7 limiting publishers' ability to set different
8 price floors for different exchanges?

9 A. Yes.

10 Q. And what do you remember about that
11 criticism?

12 A. Generally speaking, the criticism
13 was largely directed at Google for not
14 providing the necessary level of control in
15 which they believed that they should have
16 access to, and limiting not only to SSPs but
17 to potentially buyers as well when UPR was
18 initially rolling out.

19 Q. When publishers criticized UPR, did
20 Google respond by restoring publishers'
21 ability to set different price floors for
22 different exchanges?

23 MS. MORGAN: Objection to form.

24 MR. BLAISDELL: Object to form.

25 A. Google has responded in a number of

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 ways and included changes and features to
3 UPR. I do not recall specifically off the
4 top of my head if they have made the changes
5 around the level of UPR adjustments for other
6 SSPs and partners.

7 Q. Your understanding is that today
8 publishers cannot set different price floors
9 for different exchanges; is that fair?

10 A. Yes.

11 MS. MORGAN: Object to form.

12 MR. BLAISDELL: Object to form.

13 Q. Let me ask you about a different
14 topic which is header bidding.

15 Which header bidding wrappers does
16 New York Times use today?

17 A. Today The New York Times uses
18 Prebid and TAM, Amazon TAM.

19 Q. Overall is header bidding good or
20 bad for The New York Times?

21 MS. MORGAN: Objection to form.

22 MR. BLAISDELL: Object to form.

23 A. Header bidding has been a positive
24 introduction to the programmatic revenue for
25 The New York Times.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Does Prebid as a header bidding
3 wrapper create any latency or reader
4 experience issues?

5 MR. BLAISDELL: Object to form.

6 MS. MORGAN: Objection to form.

7 A. Any introduction to the code for
8 the website has the capability of degrading
9 the performance of the site and potentially
10 slowing down the loading of the site, which
11 could potentially, adversely impact the
12 reader experience. That is also inclusive of
13 Prebid.

14 Q. And same question about TAM, does
15 TAM impact page load speeds or user
16 experience?

17 MS. MORGAN: Objection to form.

18 MR. BLAISDELL: Object to form.

19 A. Any additional code on page would
20 have the capability and potential of
21 degrading the page load speed and ultimately
22 impacting ad reader experience -- I'm
23 sorry -- reader experience.

24 Q. Did The New York Times use header
25 bidder wrappers even though they have the

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 potential to reduce page load speeds and
3 impact reader experience?

4 A. Page load speed is just one of the
5 considerations when we are making a decision
6 within our framework. The incrementality of
7 revenue being another as well and also making
8 sure that The New York Times has broad-based
9 appeal to our advertisers in the marketplace,
10 and so we have made the determination it is
11 valuable to have header bidding as well.

12 Q. Other than you, who are the main
13 people at The New York Times who work on
14 programmatic display ad tech for The New York
15 Times or who have worked on it over the past
16 three years?

17 MS. MORGAN: Objection to form.

18 A. There is a number of teams that
19 have worked on programmatic directly and
20 indirectly. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 personal capacity, I cannot speak for them.

3 Q. Just in your personal experience,
4 working at The New York Times, has anyone
5 else within The New York Times, again setting
6 aside communications with counsel, ever
7 criticized Google's conduct in display
8 advertising technology?

9 MS. MORGAN: Objection to form.

10 A. As New York Times official
11 representative, just clarifying?

12 Q. Oh, no, I'm asking about you
13 personally.

14 In your personal work at The New
15 York Times, has anyone at The New York Times,
16 again setting aside communications with
17 counsel, criticized any of Google's conduct
18 for display advertising technology?

19 MS. MORGAN: Objection to form.

20 MR. BLAISDELL: Object to form.

21 A. I cannot recall.

22 Q. Approximately what --

23 MR. VERNON: Let me start a
24 different question.

25 Q. The New York Times has a team of

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 salespeople that sells direct display ads; is
3 that right?

4 MS. MORGAN: Objection to form.

5 A. That's correct.

6 Q. How large is the sales team that
7 The New York Times has that sells direct
8 display ads?

9 A. The sales team, the representatives
10 that are primarily responsible with
11 communicating with agencies and advertisers
12 within the United States is [REDACTED]

[REDACTED]
[REDACTED],

15 and that number does not include the support
16 teams to help bring those pitches and sales
17 opportunities to life.

18 Q. When you were discussing your role,
19 your various roles at New York Times earlier
20 I think your first role that you mentioned
21 was director of yield; is that right?

22 A. That's correct, director of yield.

23 Q. And in your role as director of
24 yield for The New York Times, you only
25 focused on direct display; is that right?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. My first role as director of yield
3 was primarily focused on digital, display,
4 video and audio.

5 Q. Was it both direct and programmatic
6 or primarily direct?

7 A. The first role was primarily
8 direct.

9 Q. Why did you focus in your first
10 role at The New York Times primarily on
11 direct, as opposed to both direct and
12 programmatic display?

13 A. The role in which I was hired for
14 was spec'd out as director of yield focused
15 on display video and audio for direct
16 advertising, and did not include the
17 responsibilities of programmatic at the time.

18 Q. Do you know why?

19 MR. BLAISDELL: Object to form.

20 MS. MORGAN: Objection to form.

21 A. There was -- there was another team
22 responsible for programmatic that had a
23 leader and team fully filled.

24 Q. Today does The New York Times have
25 some personnel who focus only on direct and

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 some personnel focused only on programmatic,
3 again for display?

4 A. Can you clarify, in a sales
5 capacity or in another capacity?

6 Q. I guess I'm meaning to make it a
7 little broader, not just sales, but any of
8 the main capacities.

9 A. There is a small number of
10 individuals that are focused purely on
11 programmatic display, and the vast majority
12 of the personnel are focused on direct.

13 Q. Why does The New York Times have
14 some personnel who focus only on direct and
15 some personnel focused only on programmatic?

16 MR. BLAISDELL: Object to form.

17 A. The personnel focused on
18 programmatic are operational individuals that
19 are responsible for communication with the
20 SSP providers and ensuring that we understand
21 what, the revenue that we're making and any
22 optimizations and also managing ad quality
23 control.

24 Q. Why does The New York Times have
25 some personnel only focused on direct for

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 display?

3 A. The primary focus of the ads
4 business is a direct relationship with
5 advertisers and agencies to maintain our
6 direct business and that is why they are
7 focused largely on direct.

8 Q. Earlier when counsel for Google was
9 asking you questions, she showed you a
10 document with different line items for
11 different types of ads. Do you remember
12 that?

13 A. I do.

14 Q. And there is one line item that
15 included both direct display and programmatic
16 guaranteed. Do you remember that?

17 A. I do.

18 Q. Why, at least for some purpose,
19 does The New York Times include direct
20 display and programmatic display in the same
21 line item?

22 A. The document on the previous, or
23 the previous document we include direct sold
24 banners and PG in one line item as they are
25 both guaranteed and are assigned through

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 contracts and have insertion orders typically
3 accompanying them, and they fit, they fit
4 into that one group of both direct and PG.

5 Q. For display do you view
6 programmatic guaranteed as more similar to
7 direct or more similar to open auction?

8 MS. MORGAN: Object to the form.

9 MR. BLAISDELL: Object to form.

10 A. More similar to direct display.

11 Q. Why do you view programmatic
12 guaranteed display as more similar to direct
13 display than to open auction display?

14 A. Traditionally, direct display,
15 direct video and audio have insertion orders
16 and a relationship with an agency and/or
17 advertiser that insertion order has a
18 guarantee that they will transact and attempt
19 to deliver the amount of impressions, the
20 products that they purchased and the revenue
21 associated with that insertion order. Those
22 qualities are also present in programmatic
23 guaranteed and that is why they are more
24 similar than and -- I'm sorry -- dissimilar
25 to the open auction which do not have a

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 impression guarantee and oftentimes or most
3 of the time do not have a relationship
4 directly with the agency or advertiser and
5 there is no revenue guarantee.

6 Q. What differences, if any, are there
7 between PMP display and open auction display?

8 A. The primary differences between
9 open auction and PMP display, open auction we
10 are opening our supply to a number of SSP
11 providers to fill based on the rules that we
12 have implemented both in Google Ad Manager
13 and within those SSP providers. PMP through,
14 those same SSP providers, we are working with
15 advertisers and/or agencies to create a
16 direct connection, nonguaranteed deal with no
17 revenue or impression guarantees through that
18 SSP to deliver directly on The New York
19 Times.

20 Q. Can you give me your best estimate
21 of the relative size for The New York Times
22 of open auction display compared to PMP
23 display?

24 MR. BLAISDELL: Object to form.

25 A. I believe I answered part of this,

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 comes from open auction; is that right?

3 MS. MORGAN: Objection to form,
4 lacks foundation.

5 A. Can you repeat the question?

6 Sorry.

7 Q. Earlier you said that of the
8 combined revenue from PMP and open auction
9 display, PMP accounts for [REDACTED] of
10 that; is that correct?

11 A. That is correct.

12 Q. Why has -- and so open auction
13 would then account for [REDACTED]; is
14 that right?

15 A. That is correct. That was my best
16 guess.

17 Q. Why has The New York Times not been
18 able to grow the percentage of its
19 programmatic display revenue that comes from
20 PMP more?

21 MS. MORGAN: Objection to form.

22 MR. BLAISDELL: Object to form.

23 A. There are many factors into why our
24 PMP has not grown as, or share has not grown
25 to the level that we would like it to be.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 One, our supply can change and ultimately
3 grow open auction at a faster rate. PMPs
4 also require the seller -- I'm sorry -- the
5 agency or advertiser to want to set up a PMP.
6 There is a different sales cycle that goes
7 into that that is ultimately can slow things
8 down and advertisers have preferences in
9 whether transacting through open auction,
10 direct or PMP, across PMP channels, and it
11 makes it hard to grow it as easily as, you
12 know, supply growth.

13 Q. Do you know if the percentage of
14 The New York Times programmatic revenue that
15 comes from PMP for display has grown over the
16 past three years or decreased or stayed the
17 same?

18 MS. MORGAN: Objection to form.

19 A. We have seen changes in PMP revenue
20 which are both self-inflicted decisions and
21 also market related. Over the past few years
22 there has been market-related impacts to
23 programmatic and advertising generally. Most
24 notably around the COVID-19 Pandemic which
25 started in March 2020, which saw a decline in

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 advertising generally, which was not, and
3 PMPs were not immune to. There are also
4 avoidance around large negative news events
5 such as 2022's Russia/Ukraine war where
6 advertisers did not want to surround that
7 type of content. And then we have made
8 self-inflicted decisions to remove open
9 auction from app for a period of time, which
10 would have suppressed PMP revenue.

11 Q. It's okay if you don't know, but do
12 you know whether the percentage of The New
13 York Times' programmatic display revenue that
14 comes from PMP has increased, decreased or
15 stayed the same over the past three years?

16 A. I don't know.

17 Q. That's fine.

18 One of the things you mentioned,
19 let me ask you about open auction and app at
20 The New York Times; is that okay?

21 A. Yes.

22 Q. So at one point The New York Times
23 stopped using open auction for app; is that
24 right?

25 A. Yes.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. From January of 2020 The New York
3 Times did not shut off open auction for web;
4 is that correct?

5 MR. BLAISDELL: Object to form.

6 A. That is correct. This decision was
7 isolated to apps.

8 Q. Why in January of 2020 did New York
9 Times turn off open auction, open auction for
10 app, but not web display?

11 MS. MORGAN: Objection to form.

12 A. We isolated that decision to app as
13 we are prioritizing that reader experience
14 which has predominantly made up of
15 subscribers -- is predominantly made up of
16 subscribers.

17 Q. What was different about web for
18 purposes of this decision?

19 A. Web has a broad base number of --
20 broad-based number of, broad-based number of
21 readers and types of readers, both
22 subscribers, registered readers and then also
23 anonymous or nonauthenticated readers coming
24 to The New York Times.

25 Q. And then I think you said recently

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 The New York Times has turned on open auction
3 for app; is that correct?

4 A. That is correct.

5 Q. When was that approximately?

6 A. We have been experimenting with and
7 considering turning it back on for roughly
8 six months in Q4 and Q1, so between
9 October 2022 and roughly March of 2023, we
10 were experimenting.

11 Q. Why did The New York Times turn
12 open auction back on for app?

13 A. The addition was made after
14 balancing a number of different
15 considerations. One, we felt like we had the
16 appropriate understanding and levers to
17 better control ad quality, so when ads were
18 resumed on app they weren't going to have the
19 same potential impact as what they would have
20 potentially had in 2020 or at the beginning
21 of 2020.

22 We all of a sudden understood that
23 or we believed that the ad experience or
24 reader experience would not be deteriorated
25 too greatly or enough to impact the

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 engagement metrics that we monitor and that
3 the revenue gained by this decision would be
4 advantageous to the business.

5 Q. Do you have an understanding of
6 whether turning open auction back on for app
7 did increase, did lead to an increase in
8 revenue for The New York Times?

9 A. Yes.

10 Q. And what is that understanding?

11 A. My understanding is that once the
12 app was, open auction was reactivated within
13 app there were revenue gains from that
14 activation.

15 Q. In your role at New York Times
16 would you ever recommend that The New York
17 Times turn off open auction for web display?

18 MR. BLAISDELL: Object to form.

19 MS. MORGAN: Objection to form.

20 A. In my role at The New York Times,
21 it is strictly, strictly based and focused on
22 advertising and for the betterment of
23 advertising and advertising revenue. I would
24 not be able to make that recommendation with
25 those responsibilities of my role.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Why would you not recommend that
3 The New York Times turn off open auction for
4 web display advertising?

5 MS. MORGAN: Objection to form.

6 A. As my obligation to my role, it is
7 my responsibility to drive revenue as
8 effectively and efficiently as possible.
9 Turning off open auction on web environments
10 would have a programmatic material impact to
11 the programmatic number.

12 Q. Why do you think that turning off
13 open auction would impact turning off --

14 MR. VERNON: Can I start over?

15 THE WITNESS: Yes.

16 Q. Why do you think that turning off
17 open auction for web display would have an
18 impact on The New York Times' revenue when
19 advertisers would have the option of using
20 direct display instead?

21 MR. BLAISDELL: Object to form.

22 MS. MORGAN: Objection to form.

23 A. There are many advertisers that
24 have the preference of buying
25 programmatically versus directly with an

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 advertiser or with a publisher, and turning
3 off open auction would eliminate those
4 advertisers from accessing our supply and
5 serving ads and thus making revenue from
6 those advertisers.

7 Q. Why do you say that there are many
8 advertisers who have the preference of buying
9 display ads programmatically as opposed to
10 directly?

11 A. We know in our relationships with
12 agencies that there are advertisers and many
13 advertisers that do buy directly have
14 preference for programmatic for select
15 campaigns, whether that campaign is focused
16 on a unique KPI or it is simply easier to do
17 and -- yeah.

18 Q. Can you give an example of why in
19 your experience you believe an advertiser
20 would prefer to buy display ads
21 programmatically as opposed to directly?

22 A. In my experience, I have seen many
23 advertisers prefer open auction buying
24 through their DSP into a publishers' SSPs for
25 revenue -- I'm sorry -- for CPM efficiencies

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 and reporting gains.

3 Q. When you refer to CPM efficiencies,
4 what do you mean?

5 A. Typically CPMs through open auction
6 are cheaper than going directly to a
7 publisher.

8 Q. Can you give a ballpark, your
9 ballpark estimate, at least for The New York
10 Times, for what a standard CPM would be for
11 an open auction and what a standard CPM would
12 be for direct display?

13 MR. BLAISDELL: Object to form.

14 A. The prices range largely on the
15 seasonality and the environment of the
16 macroeconomic situation at the time. We have
17 seen open auction rates, and they also depend
18 on the surface such as web, desktop web and
19 on apps. We have seen those range wildly,
20 based on those different times of the year,
21 and then also on the platform or surface that
22 they're running on.

23 Q. Can you give your best estimate as
24 to the range of CPMs that New York Times sees
25 for open auction display?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to form.

3 A. The best guess for open auction
4 CPMs, aggregated for a year to account for
5 seasonality, I would put in the range between

6 [REDACTED]

7 Q. And what's your best estimate for
8 The New York Times for the range of CPMs that
9 New York Times would see for direct display?

10 MS. MORGAN: Object to form.

11 MR. BLAISDELL: Object to form.

12 A. Direct CPMs vary wildly for the
13 same considerations, seasonality, economic
14 situations, and also advertisers have
15 different, buy, purchase different products
16 which can dramatically change their CPM for
17 their media plan. The range or best guess of
18 a range that I can provide ranges from [REDACTED]
19 [REDACTED] for their overall media plan eCPM, best
20 guess.

21 Q. When we were talking about
22 advertisers who, as you see it prefer open
23 auction over direct display, one of the
24 things you mentioned was, I think, reporting
25 efficiencies. If I remember that correctly,

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 can you explain what you meant?

3 MR. BLAISDELL: Object to form.

4 A. Yes. Revenue -- I'm sorry,
5 reporting, when an advertiser and/or agency
6 is working with a number of publishers,
7 including The New York Times, and in this
8 example, they are required to get reporting
9 from each of the publishers to understand the
10 performance of their campaign. Programmatic
11 allows them the capability of pulling
12 reporting from one, one source, their DSP in
13 which they're using. That efficiency can
14 help the advertisers and/or agencies to have
15 a better understanding of where their, how
16 their ads are performing.

17 Q. Can you give me your best estimate
18 for the breakdown of what percentage The New
19 York Times' revenue comes from on the one
20 hand direct display and on the other hand the
21 combination of open auction and PMP?

22 MS. MORGAN: Objection to form.

23 MR. BLAISDELL: Object to form.

24 A. Can you please clarify or repeat
25 the question?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Sure.

3 Can you give me your best estimate
4 for, as of today, the percentage of The New
5 York Times' display revenue comes from on the
6 one hand from direct display and on the other
7 hand any other channel, whether it be open
8 auction displays, programmatic guaranteed PMP
9 or anything else?

10 MS. MORGAN: Objection to form.

11 MR. BLAISDELL: Object to form.

12 A. Speaking specifically for digital
13 display in advertising, programmatic open
14 auction and PMP would contribute, depending
15 on the time of year and the seasonality,
16 would contribute anywhere between [REDACTED]

[REDACTED]
17 [REDACTED].
18 Q. And what percentage of The New York
19 Times is digital display advertising revenue
20 today would come from direct display?

21 MR. BLAISDELL: Object to form.

22 A. Can you repeat the question?

23 Q. Sure.

24 What percentage of The New York
25 Times display revenue today, approximately,

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 comes from direct display?

3 MR. BLAISDELL: Object to form.

4 A. From direct display, my best guess
5 approximation would be between [REDACTED]

6 [REDACTED].

7 Q. In that percentage, are you
8 including programmatic guaranteed?

9 A. Yes.

10 Q. One of the things that I think you
11 mentioned was The New York Times prioritizes
12 direct; is that fair?

13 A. Yes.

14 Q. Why does New York Times not just
15 turn off open auction completely and only do
16 direct for display?

17 MS. MORGAN: Objection to form.

18 MR. BLAISDELL: Object to form.

19 A. We balance that. There is a number
20 of reasons why we would not make that
21 decision or have not made that decision.
22 Again, there are a large number of
23 advertisers and agencies and campaigns of
24 specific advertisers that have, that prefer
25 programmatic. Shutting off programmatic

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 would remove that capability and that revenue
3 that we would earn.

4 Q. If I remember correctly, when you
5 turned off open auction for app that was
6 around the beginning of 2020; is that right.

7 A. From what I recall, yes.

8 Q. At that time were there any
9 material changes to the take rates for open
10 auction for app?

11 MR. BLAISDELL: Object to form.

12 MS. MORGAN: Objection to form.

13 A. No, not that I recall.

14 Q. When The New York Times turned open
15 auction back on for app, were there any
16 material changes in the take rates for open
17 auction for app?

18 MR. BLAISDELL: Object to form.

19 A. No.

20 Q. Was The New York Times' decision to
21 turn off open auction for app, did it have
22 any connection to take rates?

23 MR. BLAISDELL: Object to form.

24 A. No.

25 Q. Did New York Times' decision to

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 turn on open auction for app have any
3 connection to take rates?

4 MR. BLAISDELL: Object to form.

5 A. No.

6 Q. Approximately how many advertisers
7 buy direct display ads from The New York
8 Times, just ballpark?

9 MR. BLAISDELL: Object to form.

10 A. Ballpark, between [REDACTED]
[REDACTED], would be my best guess for direct
12 advertisers.

13 Q. Ballpark, how many advertisers buy
14 open auction display ads from The New York
15 Times?

16 MR. BLAISDELL: Object to form.

17 A. I don't know.

18 Q. Would it be more than [REDACTED]
[REDACTED]?

20 MR. BLAISDELL: Object to form.

21 A. Yes.

22 Q. Substantially more?

23 MS. MORGAN: Object to form.

24 MR. BLAISDELL: Objection.

25 A. Yes.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. In practical terms, would it be
3 feasible or not feasible for The New York
4 Times to sell direct display ads to all of
5 the advertisers that buy open auction display
6 ads from The New York Times?

7 MR. BLAISDELL: Object to form.

8 A. Currently? Currently, it would no
9 not be feasible to sell to that number of
10 advertisers directly.

11 Q. Why is that?

12 A. That number of advertisers would
13 require a larger sales team and support
14 operations, likely technical infrastructure,
15 and the awareness of its availability to a
16 lot of those advertisers, or the lack of
17 awareness to those advertisers.

18 Q. And I think as we discussed before,
19 CPMS are higher for direct display than open
20 auctions are; is that right?

21 MS. MORGAN: Objection to form,
22 leading.

23 MR. BLAISDELL: Object to form.

24 Q. Given that CPMS are higher for
25 direct display, is The New York Times already

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 doing as much as it can to sell as many of
3 its ads through direct display as possible as
4 opposed to open auction?

5 MS. MORGAN: Objection to form.

6 MR. BLAISDELL: Object to form.

7 A. I don't know if it's as much as we
8 can.

9 Q. Is it fair to say that since CPMs
10 are higher for direct display, The New York
11 Times is trying pretty hard to sell as many
12 of its ads directly as possible for display
13 as opposed to through open auction display?

14 MR. BLAISDELL: Object to form.

15 MS. MORGAN: Objection to form.

16 A. I think that's fair to say that we
17 are trying very hard to sell as much as we
18 can directly.

19 MR. BLAISDELL: Mr. Vernon, we've
20 been going a bit longer than an hour
21 without a break. Whenever you reach a
22 natural stopping point, I would like to
23 have a break here.

24 MR. VERNON: Yes. There is a few
25 more questions in this vain, and then if

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 for some reason we're not done soon,
3 then we will take break.

4 Q. I think you said before Google's
5 decision -- oh, sorry -- New York Times'
6 decision to turn on and then -- turn off and
7 then turn on open auction for app wasn't
8 based on take rates; is that right?

9 A. That is correct.

10 Q. If open auction take rates were to
11 increase by ten percent, [REDACTED]
12 [REDACTED], is it fair to say The New York
13 Times would not shift a significant number of
14 transactions from open auction to direct?

15 MS. MORGAN: Objection to form.

16 MR. BLAISDELL: Object to form.

17 A. In that hypothetical scenario
18 you've laid out, we would continue to pursue
19 our strategy of shifting as much revenue
20 towards direct as possible, regardless of the
21 take rate increase. In that hypothetical, if
22 the take rate did increase we would continue
23 operating programmatic, programmatically and
24 negotiate with our SSP providers.

25 Q. What do you mean by negotiate with

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 SSP providers?

3 A. Each of our SSPs have a contract
4 with us in which we negotiate business terms.

5 Q. Would a ten percent increase in
6 open auction take rates change how hard The
7 New York Times is looking to sell ads
8 directly as opposed to through an open
9 auction display?

10 MR. BLAISDELL: Object to form.

11 MR. VERNON: Objection to form.

12 A. In this hypothetical scenario, I do
13 not believe it would change the effort in our
14 direct sales. We would continue with the
15 current gusto we have to sell directly.

16 Q. Is it fair to say that the
17 allocation that The New York Times places
18 between direct display and open auction
19 display isn't really based on take rates; is
20 that fair?

21 MS. MORGAN: Objection to form.

22 A. We don't specify the allocation
23 between direct and open, and the take rates
24 do not impact that.

25 Q. Right before you said The New York

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Times just has a preference for direct; is
3 that right?

4 MS. MORGAN: Objection, form.

5 A. Yes, that's correct.

6 Q. What connection, if any, is there
7 between New York Times preference for direct
8 and open auction take rates?

9 MS. MORGAN: Objection to form.

10 A. There is no connection.

11 Q. If open auction take rates were to
12 increase by ten percent, how likely is it
13 that that would change, The New York Times
14 would shift a significant number of display
15 impressions from open auctions to direct?

16 MR. BLAISDELL: Object to form.

17 A. It's a difficult question to
18 answer. We -- it's not easily done to shift
19 advertisers from open auction to direct,
20 because advertisers in select campaigns have
21 a preference for programmatic and we would
22 have a difficult time convincing them to go
23 from open auction to direct, and it would
24 also be a challenge to connect with all of
25 the advertisers that are currently buying

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 through open auction.

3 MR. VERNON: Okay. We're happy to
4 take a break. We can go off the record.

5 THE VIDEOGRAPHER: Standby, please.
6 The time is 3:41 p.m. We are going off
7 the record. This will end media unit
8 number 4.

9 (A brief recess was taken.)

10 THE VIDEOGRAPHER: The time is
11 3:54 p.m. We are back on the record,
12 and this will be the start of media unit
13 number 5.

14 Counsel.

15 Q. Okay. What is the phrase --
16 welcome back, Mr. Glogovsky.

17 A. Thank you.

18 Q. Let's get back into it.

19 What does the phrase "open web"
20 mean?

21 A. From my interpretation, that is the
22 open web in which users of the web can access
23 or read content across the web and the many
24 websites available to it.

25 Q. Does phrase "open web" include app?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. No.

3 Q. In your understanding -- I will
4 move on.

5 At the beginning of the day,
6 counsel asked you about who The New York
7 Times competes with, when The New York Times
8 sells to advertisers. Do you remember that?

9 A. Yes.

10 Q. Who do you view as the New York
11 Times' main competitors when The New York
12 Times sells programmatic display ads?

13 MR. VERNON: Sorry. Can I
14 rephrase?

15 THE WITNESS: Yes.

16 Q. Who do you view as The New York
17 Times' main competitors when The New York
18 Times is selling display ads to advertisers?

19 A. It's a complex question and has a
20 lot of variables. We see a number of
21 different competitors when selling digital
22 display ads. There are obviously other
23 premium publishers out there directly selling
24 to agencies and advertisers that we are
25 competing, competing against and oftentimes

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 to answer. We are oftentimes on an RFP with
3 premium publishers, and they would be a
4 direct competitor for that specific RFP.
5 There are other instances where advertisers
6 and agencies have separate budgets that are
7 carved out for different digital advertising
8 platforms and formats that The New York Times
9 does not play in, but that budget is carved
10 out and removed from the premium publisher,
11 you know, carveout of that budget.

12 Q. One of the things that I think you
13 said was there are times when there is a
14 budget -- I might get this wrong -- that The
15 New York Times is removed from --

16 MR. VERNON: Hold on. Let me look
17 at my text thingy, hold on.

18 Q. Okay. I think you said there are
19 some instances in which The New York Times is
20 carved out of a budget -- and I apologize, if
21 I'm not getting that 100 percent right -- can
22 you just explain what you meant by that?

23 A. Sure. It's our understanding
24 through our relationships with advertisers
25 and agencies that most advertisers and

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 agencies will have a multifaceted advertising
3 campaign for a specific campaign. And that
4 would be across a number of publishers, that
5 can be both a direct budget where they are
6 going directly to publishers. There is
7 oftentimes a programmatic component and there
8 is also oftentimes a video or a social
9 component as well and each of these
10 initiatives oftentimes have different budgets
11 in which we can and cannot compete with
12 actively. There is also instances where
13 there are advertisers that have a initial
14 desire to go direct, and resort to
15 programmatic.

16 Q. Between the two of other premium
17 publishers and social platforms, which of
18 those two do you view as New York Times' main
19 competitor when New York Times is selling
20 display ads to advertisers?

21 MS. MORGAN: Objection to form.

22 MR. BLAISDELL: Objection to form.

23 A. When it comes to advertisers that
24 are specifically seeking out relationships
25 with publishers, we would be competing

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 directly with other premium publishers.

3 Q. I think, tell me if I'm hearing you
4 right, I think what you're saying is, The New
5 York Times' main competitor when The New York
6 Times is selling display ads is other premium
7 publishers; is that correct?

8 MS. MORGAN: Objection to form,
9 misstates the testimony.

10 A. When an advertiser is, has the
11 desire, a campaign that has a desire to run
12 on premium publishers, we would be competing
13 with other premium publishers from that
14 circumstance, yes.

15 Q. Do you have an understanding of why
16 there are some advertisers that have a
17 separate budget for social for which The New
18 York Times is not included?

19 MS. MORGAN: Objection to form.

20 MR. BLAISDELL: Object to form.

21 A. My limited understanding is
22 oftentimes social is considered a different
23 medium for advertising and they carve out
24 those budgets or allocate their overall
25 budget spend to social on a separate line

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 item, so they can track that appropriately.

3 Q. Why did you say that oftentimes
4 social is considered a different medium for
5 advertising?

6 A. That is our limited understanding
7 through the relationships that we have built
8 up through agencies and advertisers. There
9 are examples where there are separate social
10 teams within, within marketers and agencies
11 managing those budgets.

12 MR. VERNON: I will move to a
13 different topic.

14 Q. Why does The New York Times sell
15 both display ads and other types of ads, like
16 app or like audio?

17 MR. BLAISDELL: Object to form.

18 MS. MORGAN: Object to form.

19 A. We consider display ads as display
20 ads that are eligible to run on web
21 environments and app. We wouldn't consider
22 app being a separate product, and we do sell
23 more than just display ads. We sell audio as
24 audio as an endeavor that we are investing in
25 to grow our reach and broadening the

1 GLOGOVSKY - HIGHLY CONFIDENTIAL
2 population that is aware of The New York
3 Times, and likely and eventually to subscribe
4 to The New York Times.

5 Q. Let me rephrase my question a
6 little bit.

7 Why did The New York Times sell
8 both web display ads and app ads and other
9 types of ads like audio?

10 MS. MORGAN: Objection to form.

11 MR. BLAISDELL: Object to form.

12 A. Can you clarify your question?

13 Q. Sure.

14 So what I'm trying to get at is,
15 why not just go all in on one type of ad?
16 Does that make sense?

17 A. Yes.

18 Q. Let me try reasking it, just so
19 it's clear.

20 Why doesn't The New York Times sell
21 both web display ads and other types of ads
22 like app ads or audio ads?

23 MR. BLAISDELL: Object to form.

24 A. We do not consider apps as being a
25 separate ad product. It is one ad product

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 under digital display running across web and
3 apps. Selling ads and audio would be a
4 separate ad and we are -- we are selling
5 those ads because the audience and the size
6 of the opportunity is worthwhile to put ads
7 into the experience and grow our ad business.

8 Q. I heard one of the things that you
9 said was you think web apps and app -- I'm
10 sorry -- you think web display ads and app
11 ads are in the same category; is that right?

12 A. Yes.

13 Q. Setting aside whether they're in
14 the same category, why does The New York
15 Times sell both web display ads and app ads?

16 MR. BLAISDELL: Object to form.

17 A. When we are in market and selling
18 to direct advertisers and agencies, we are
19 selling one product that goes across platform
20 across web and apps and do not make the
21 specification of apps or web, unless the
22 advertiser specifically asks for the app or
23 web. So we do not call them out
24 individually.

25 Q. Why would The New York Times not

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 sell only ads on its website and just turn
3 off app ads completely?

4 MS. MORGAN: Objection to form.

5 A. We wouldn't turn off apps, app ads
6 or ads in app completely is and only sell in
7 web because app makes up a large share of our
8 page views and subscribers and that would be
9 materially and adversely impact the
10 advertising revenue number by only
11 concentrating our ads to one environment type
12 such as web.

13 Q. And similar question, why would The
14 New York Times not sell only app ads and just
15 turn off web display ads completely?

16 MS. MORGAN: Objection to form.

17 A. Similarly, we have a strong
18 presence on desktop and mobile web where many
19 readers, both subscribers, registered users
20 and people that have yet to subscribe or
21 register coming to web, and turning off ads
22 in web environments would adversely impact
23 the ad revenue number.

24 Q. Is it fair to say that The New York
25 Times tries to get as many readers as

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 possible both on its app and on the web?

3 A. I think it's fair to say that The
4 New York Times is getting, its goal is to get
5 as many readers as possible, and encouraging
6 them to read The Times in where they find it
7 most comfortable.

8 Q. How easy or difficult would it be
9 for The New York Times to shift a significant
10 number of readers from web to app?

11 MR. BLAISDELL: Object to form.

12 MS. MORGAN: Objection to form.

13 A. Can you clarify the question?

14 Q. Sure. Let me think about this.

15 Some readers read The New York
16 Times on the web; is that right?

17 A. Yes.

18 Q. And some readers read The New York
19 Times in The New York Times' app; is that
20 fair?

21 A. Yes.

22 Q. Does The New York Times try to
23 shift readers from either the web to app or
24 in the other direction?

25 MR. BLAISDELL: Object to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MS. MORGAN: Objection to form.

3 A. The New York Times' goal is to
4 making sure all of our subscribers and
5 readers are aware of the many surfaces that
6 we make available to them to read. So there
7 are efforts to make that known to them in a
8 more prominent way, but ultimately looking
9 for the readers to be reading where they're
10 most comfortable and engaged.

11 Q. I guess ultimately The New York
12 Times is sort of agnostic whether a reader
13 reads New York Times in app or web; is that
14 fair?

15 MR. BLAISDELL: Object to form.

16 MS. MORGAN: Object to form.

17 A. We are agnostic as it relates to we
18 are encouraging them to be engaged and repeat
19 readers and ultimately subscribing to The New
20 York Times.

21 Q. How easy or difficult would it be
22 for The New York Times to shift a significant
23 amount of readers from the web to app?

24 MR. BLAISDELL: Object to form.

25 MS. MORGAN: Objection to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. There are preferences by many
3 readers not to shift and it would be a
4 difficult, difficult prospect to shift a
5 large majority of readers or completely to
6 app, because there are habits of many
7 readers, both subscribers and registered
8 users, and I'm assuming also nonsubs that
9 would be prefer to read in a web environment.

10 Q. How easy or difficult would it be
11 for The New York Times to shift a significant
12 number of advertising impressions from web to
13 app?

14 MS. MORGAN: Objection to form.

15 MR. BLAISDELL: Object to form.

16 A. We as an advertising department for
17 direct sold advertising, continue to sell
18 cross-platform and allow our ads to deliver
19 across both web, mobile web and desktop web,
20 and our apps equally as where there is
21 supply. So that natural shift would happen
22 as our readers shift.

23 Q. So for the purposes of my question,
24 let me ask you to set aside the sort of the
25 natural shift that readers initiate. Is that

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 fair?

3 A. Yes.

4 Q. How easy or difficult would it be
5 for The New York Times to shift a significant
6 number of readers from web to app?

7 MR. VERNON: I'm sorry, can I start
8 over?

9 THE WITNESS: Yes.

10 Q. How easy or difficult would it be
11 for The New York Times to shift a number, a
12 significant number of advertising impressions
13 from web to app?

14 MS. MORGAN: Objection to form.

15 MR. BLAISDELL: Object to form.

16 A. In a hypothetical scenario, we
17 would be able to make the decision to shut
18 off the capability of serving ads on
19 web-based environment and shift them
20 completely to app, but that would be not
21 within the strategy of our ads business.

22 Q. Why is that?

23 A. It is our goal to monetize all of
24 our available surfaces effectively and
25 efficiently as possible.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. Would you recommend that The New
3 York Times shift a significant number of
4 advertising impressions from web to app?

5 MR. BLAISDELL: Object to form.

6 MS. MORGAN: Objection to form.

7 A. The responsibilities of my role,
8 focusing on revenue and the shepherding of ad
9 revenue growing as well, no, I would not make
10 that recommendation.

11 Q. Why would you not recommend that
12 The New York Times shift a significant number
13 of advertising impressions from web to app?

14 A. One of the many reasons why I do
15 not believe that would be the ideal solution
16 is that there are measurement limitations
17 for app, for our advertisers and one of the
18 other reasons is that [REDACTED]

[REDACTED]
[REDACTED].

21 Q. Would you recommend that The New
22 York Times shift a significant number of
23 significant advertising impressions from web
24 to pre-roll video?

25 MS. MORGAN: Objection to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to form.

3 MS. MORGAN: Lacks foundation.

4 A. In my role to secure revenue I
5 would not make that recommendation at The New
6 York Times.

7 Q. Why would you not recommend that
8 The New York Times shift a significant number
9 of advertising impressions from web to
10 pre-roll video?

11 A. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16 Q. Let me ask you a question about a
17 different types of video.

18 I think you said earlier that there
19 is a, when we were looking at a document,
20 there is a type of video that The New York
21 Times includes in the display category. Did
22 I get that correct?

23 A. [REDACTED]
[REDACTED]

25 Q. What is the difference between the

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 type of video that The New York Times
3 includes in its display category and the --
4 at the video ads, The New York Times does not
5 include in its display category?

6 A. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11 Q. I see. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]?

15 MR. BLAISDELL: Object to form.

16 A. That is correct.

17 Q. Let me see if I can get this right.

18 Is the open auction in PMP video
19 revenue that's included in the display
20 category, videos that play on the text-based
21 page of The New York Times' website?

22 A. The video revenue within that line
23 item would be the video revenue that runs
24 within video player and would be classified
25 as either pre-roll or mid-roll or post-roll

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 [REDACTED]
3 Q. I see. Do other publishers
4 group -- is this type of video sometimes
5 referred to as in-stream video?

6 A. Yes.

7 Q. Is in-stream video sometimes
8 treated as separate from display?

9 MS. MORGAN: Objection to form.

10 MR. BLAISDELL: Object to form.

11 A. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15 Q. Do you have an understanding of
16 whether the industry other than The New York
17 Times treats in-stream video as part of
18 display or as something separate?

19 MR. BLAISDELL: Object to form.

20 A. My understanding generally would
21 be, it is treated differently within their
22 documents, is my suspicion.

23 Q. Okay. [REDACTED]
[REDACTED]
[REDACTED]

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. [REDACTED]

3 Q. Okay. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 MR. BLAISDELL: Object to form.

9 A. That's correct.

10 MR. VERNON: My apologies for that.

11 Q. Would you recommend that The New
12 York Times switch a significant number of
13 advertising impressions from display to
14 audio?

15 MR. BLAISDELL: Object to form.

16 MS. MORGAN: Objection to form.

17 A. I believe that there is a growing
18 opportunity in audio and would like to see
19 more advertisers buying within audio and
20 populating our ad spots within our available
21 podcasts. I would encourage our team to sell
22 more audio and potentially use the
23 opportunity to shift digital display direct
24 sold campaigns into audio.

25 Q. Are your ads primarily, at least

1 GLOGOVSKY - HIGHLY CONFIDENTIAL
2 for The New York Times, primarily sold
3 directly or by open auction?

4 A. Primarily direct, direct.

5 Q. [REDACTED]

7 MR. BLAISDELL: Object to form.

8 A. [REDACTED]

9 Q. [REDACTED]

11 MR. BLAISDELL: Object to form.

12 A. [REDACTED]

13 Q. How easy or difficult do you think
14 it would be for The New York Times to switch
15 open auction display ads to audio?

16 MR. BLAISDELL: Object to form.

17 MS. MORGAN: Objection to form.

18 A. In my opinion, it would be
19 difficult due to the fact that audio ads are
20 a more nascent ad experience and more
21 publishers are coming on and we're launching
22 more podcasts as well, and also the scale
23 would be much smaller than what is available
24 to our display business today.

25 Q. Earlier counsel from Google asked

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 you about native. Do you remember that?

3 A. I do.

4 Q. Did The New York Times consider
5 adopting some types of native ads that it
6 ultimately did not implement?

7 MR. BLAISDELL: Object to form.

8 A. We have largely been focused on
9 populating the current available ad spots
10 within our content with display ads and
11 native ads that met our esthetic
12 requirements, but we have not considered
13 native ads in which it looks too much like
14 content.

15 Q. Why is that?

16 A. It is our goal to have a natural
17 understanding for the readers of where
18 editorial starts and ends and not to be
19 confused with advertising.

20 Q. Do you have understanding of
21 whether The New York Times is more focused on
22 direct display ads than other premium
23 publishers?

24 MR. BLAISDELL: Object to form.

25 MS. MORGAN: Objection to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. Can you clarify the question?

3 Q. One of the things I think you
4 referred to earlier was that The New York
5 Times was very focused on direct display ads;
6 is that correct?

7 MS. MORGAN: Objection to form.

8 A. That is correct.

9 Q. Do you have an understanding of
10 whether The New York Times is more or less
11 focused on direct display ads than other
12 publishers?

13 MR. BLAISDELL: Object to form.

14 A. I think it's fair to say that The
15 New York Times places a larger emphasis on
16 direct sold advertising than some other
17 publishers, as different publishers have
18 different strategies than what The New York
19 Times has adopted. We have also been
20 successful in securing and preserving strong
21 relationships with agencies and brands
22 directly.

23 Q. What is it about The New York Times
24 that makes The New York Times more focused on
25 direct display ads than some other publishers

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 might be?

3 MR. BLAISDELL: Object to form.

4 A. It is our goal to transact
5 directly, because we want to ensure we know
6 who is running on The New York Times against
7 our editorial content, and also direct
8 advertising trades at higher multiples than
9 programmatic and gives us the security of
10 knowing who is on our site and making sure
11 that we have the longevity within our
12 business.

13 Q. One of the things we discussed or
14 you discussed with counsel before was
15 LiveIntent. Do you remember that?

16 A. Yes.

17 Q. I think you said that The New York
18 Times uses LiveIntent as its ad server for
19 newsletters; is that correct?

20 A. That is correct.

21 Q. How possible or not possible would
22 it be for The New York Times to use
23 LiveIntent as its ad server for display?

24 MR. BLAISDELL: Object to form.

25 MS. MORGAN: Objection, form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. I am unaware of all of the
3 capabilities that LiveIntent makes available
4 to their publisher partners. I am only aware
5 of their newsletter ad serving capabilities.

6 Q. Do you know one way or the other
7 whether LiveIntent provides display publisher
8 ad server capabilities?

9 A. I am not aware of that capability
10 for web- and app-based environments.

11 Q. How easy or difficult would it be
12 for The New York Times to use more than one
13 publisher ad server for display?

14 MS. MORGAN: Objection to form.

15 MR. BLAISDELL: Object to form.

16 A. Can you repeat the question?

17 Q. Sure.

18 How easy or difficult would it be
19 for The New York Times to use more than one
20 publisher ad server for display?

21 A. It would be operationally
22 challenging to rotate between two different
23 ad servers for the personnel and teams
24 responsible for trafficking and monitoring
25 the campaign performance for our advertisers.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 It would also be technically challenging as
3 new infrastructure would have to be spun up
4 and then maintained and managed. It would be
5 difficult.

6 Q. Earlier we were talking about
7 transparency. Do you remember that?

8 A. Yes.

9 Q. Is transparency by SSPs important?

10 MR. BLAISDELL: Object to form.

11 A. Yes.

12 Q. Why is that?

13 MR. BLAISDELL: Object to form.

14 A. It's our belief that we should have
15 an understanding of which advertisers are
16 serving on our properties, the number of
17 times they are serving on our properties, the
18 performance of those ads serving on our
19 properties, and ultimately the revenue
20 contributed by those ads and the price in
21 which they were purchased.

22 Q. Would you say that the fairest way
23 to run an auction for display would be to
24 have every exchange have access to the same
25 information and be able to compete on a level

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to form.

3 MS. MORGAN: Objection to form.

4 A. It would be fair if the data that
5 was shared was universally understood and
6 consistent. Not all of the data that is
7 created from programmatic auctions is
8 valuable to the publisher, and ultimately,
9 not always valuable to the decision around
10 the ad being placed, and so it would have to
11 be well understood or well established of
12 what the data is.

13 Q. At least for the data that is
14 valuable, would the most fair way to run an
15 auction be that every exchange has equal
16 access to that data?

17 MR. BLAISDELL: Object to form.

18 MS. MORGAN: Object to form.

19 A. With that understanding, I think
20 that's fair.

21 Q. Would it be a fair way to run an
22 auction for display to have one exchange be
23 able to see the highest bid from all of the
24 other exchanges and then bid later?

25 MR. BLAISDELL: Object to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MS. MORGAN: Objection to form,
3 lacks foundation.

4 A. Can you repeat the question?

5 Q. Would it be a fair way to run an
6 auction to have all of the exchanges but one
7 bid first and then have one exchange see the
8 highest bid and that exchange had the
9 opportunity to bid last?

10 MR. BLAISDELL: Object to form.

11 MS. MORGAN: Objection to form.

12 A. In that scenario, depending on
13 seeing those bids and then coming over the
14 top could be perceived as unfair, seeing
15 those bids and ultimately placing the bid
16 that was originally going to be placed would
17 be fair.

18 Q. I'm sorry, can you explain? I
19 didn't quite hear you. Can you explain what
20 would be fair and what would not be fair?

21 MS. MORGAN: Objection, form.

22 A. In this scenario, what you laid
23 out, the one exchange seeing all of the bids
24 placed by the other exchanges, and then
25 placing their bid. In the scenario where

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 they could do that and then place a higher
3 bid, knowing that they would win, could be
4 reasonably seen as unfair. If the exchange
5 which saw the other bids and still placed the
6 original bid that they had already won and
7 then inserts it would be a fair auction.

8 Q. I see what you're saying. Based on
9 your experience in the industry you're
10 familiar with Google's Last Look; is that
11 fair?

12 A. I'm aware.

13 Q. Under the way the Last Look worked,
14 at least until 2019 AdX had the opportunity
15 to see the highest bid from every other
16 exchange and then after that decide whether
17 to bid or not bid; is that correct?

18 MS. MORGAN: Objection to form.

19 A. From my understanding, that's what
20 I understand.

21 Q. Do you believe that Google's Last
22 Look was fair or unfair?

23 MR. BLAISDELL: Object to form.

24 MS. MORGAN: Objection to form.

25 A. With my limited understanding of

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 the technical component, I could understand
3 where that could be perceived as unfair to
4 some -- to members of the industry.

5 Q. Why is it that you could understand
6 why Google's Last Look could be perceived as
7 unfair to some members of the industry?

8 MS. MORGAN: Objection to form.

9 A. I do not have all of the knowledge
10 and technicality behind it to confidently say
11 strongly that it would include everyone. I
12 would assume that there were members that did
13 not communicate whether they thought -- or
14 their opinion.

15 Q. Just from your opinion though,
16 setting aside other opinions, in your opinion
17 do you view Google's Last Look as being fair
18 or unfair?

19 A. In a personal capacity, I believe
20 that Last Look and other features by Google
21 and other programmatic partners have helped
22 improve fill rate, and there are potential
23 auction limitations that could potentially be
24 unfair, in my personal capacity.

25 Q. Overall, in your personal capacity,

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 do you think Google's, Google's Last Look was
3 more fair or more unfair?

4 MS. MORGAN: Objection to form.

5 MR. BLAISDELL: Object to form.

6 A. In my personal capacity, I can see
7 it as being more unfair.

8 Q. And why do you say that?

9 A. My personal preference is always
10 understanding the -- the auction dynamics and
11 better understanding how the winning bid is
12 ultimately won and ultimately placed on to a
13 publisher's website.

14 Q. Let me switch topics slightly. I
15 think we discussed before, you understand
16 that Google's AdX, publishers only have
17 access to Google's AdX if they use DFP; is
18 that right?

19 MS. MORGAN: Objection to form.

20 A. That is my understanding.

21 Q. And personally would you either
22 prefer or not prefer that publishers have the
23 option to use AdX without also using DFP?

24 MR. BLAISDELL: Object to form.

25 A. Can you repeat the question?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Q. In your personal capacity, would
3 you prefer or not prefer that publishers have
4 the option to have access to AdX without
5 using DFP as their publisher ad server?

6 MS. MORGAN: Objection to form.

7 A. In my personal capacity, I would
8 prefer Google AdX and Google Ad Manager
9 together, or not available without Google
10 manager, ad manager.

11 Q. I see. Let me just reask it so
12 it's clean.

13 From your personal capacity, would
14 you prefer or not prefer that publishers have
15 the option to access AdX without using DFP as
16 their publisher ad server?

17 MS. MORGAN: Objection to form.

18 A. In my personal capacity, I would
19 not prefer.

20 Q. Can you explain what you mean by
21 that?

22 A. In my personal capacity, I prefer
23 Google Ad Manager and AdX and the benefits of
24 them being connected for the efficiencies
25 that the publishers, The New York Times

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 included, gain from being in one system and
3 the reduction in operations, operational
4 burden that it saves.

5 Q. I think I'm asking a different
6 question.

7 In your personal capacity, would
8 you prefer that publishers have the -- prefer
9 or not prefer that publishers have the option
10 of having access --

11 MR. VERNON: Restart. Is that
12 okay?

13 THE WITNESS: Yes.

14 Q. Is it fair to say publishers, in
15 your opinion, do have the option to use both
16 DFP and AdX together; is that fair?

17 MR. BLAISDELL: Object to form.

18 MS. MORGAN: Objection to form.

19 THE WITNESS: Sorry. Repeat the
20 question.

21 Q. Publishers have the option today of
22 using both DFP and AdX together; is that
23 fair?

24 A. Yes, that is fair.

25 Q. In your personal capacity, would

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 you prefer that publishers also have the
3 option of using, of getting access to AdX
4 without, if they choose, without using DFP as
5 their publisher ad server?

6 MR. BLAISDELL: Object to form.

7 A. In my personal capacity, I would
8 not prefer giving publishers the capability
9 of accessing AdX with a different ad server.

10 Q. Why is that?

11 A. In my personal opinion, I believe
12 the efficiencies and the standards it creates
13 help drive the ultimate ad format creation
14 and ultimately benefits publishers to benefit
15 from the economies of scale that one platform
16 provides, in my personal capacity.

17 Q. It's at least fair to say that it's
18 at least technically possible that publishers
19 in theory could access the AdX without using
20 DFP as their publisher ad server; is that
21 fair?

22 MR. BLAISDELL: Object to form.

23 MS. MORGAN: Objection to form.

24 A. I do not know.

25 Q. Will you agree that the publishers

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 should have the opportunity to choose the
3 publisher ad server that they prefer?

4 MR. BLAISDELL: Object to form.

5 MS. MORGAN: Objection to form.

6 A. Can you repeat the question?

7 Q. Would you agree that publishers
8 should have the opportunity to choose the
9 publisher ad server that they prefer?

10 MR. BLAISDELL: Object to form.

11 A. I agree that publishers should be
12 able to freely make the decision for their ad
13 server.

14 Q. Would you agree that publishers
15 should have the opportunity to choose a
16 publisher ad server other than DFP and still
17 get access to AdX?

18 MS. MORGAN: Objection to form.

19 MR. BLAISDELL: Object to form.

20 A. In my personal capacity, I prefer
21 that Google AdX and Google Ad Manager benefit
22 from the features and the standardization
23 that it provides.

24 Q. Would it be better for publishers
25 to have two options with one being using DFP

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 and AdX separately and the other option being
3 using them together?

4 MS. MORGAN: Objection to form.

5 MR. BLAISDELL: Object to form.

6 A. It's a difficult question to
7 answer. I think that publishers deserve the
8 right to evaluate all of the options
9 available to them, and the ad technology
10 partners out there competing and making the
11 decision for themselves on whether or not
12 they want to go with a specific ad technology
13 partner or not.

14 Q. Are there any strongly viable
15 alternatives to DFP as a publisher ad server
16 today?

17 MR. BLAISDELL: Object to form.

18 MS. MORGAN: Objection to form.

19 A. We have not conducted an RFI
20 process recently for an ad server for a
21 digital display, and I am unaware currently
22 through that process of any other possible
23 options that we would consider.

24 Q. Do you know if there is a viable
25 alternative to DFP as a display publisher ad

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 server today?

3 MR. BLAISDELL: Object to form.

4 MS. MORGAN: Objection to form.

5 A. I am not aware of one that we would
6 consider as a solution for The New York
7 Times.

8 Q. Are you aware that some companies
9 have exited the publisher ad server market?

10 MS. MORGAN: Objection to form.

11 A. I am aware that there are ad tech
12 companies that have left the marketplace, as
13 the marketplace has evolved over time, and
14 changed since the inception of digital
15 display advertising.

16 Q. Specifically about publisher ad
17 servers, are you aware of companies that
18 exited the publisher ad server market?

19 A. I would assume that that would
20 include ad server companies, as well as other
21 ad tech companies.

22 Q. Are you aware that OpenX exited the
23 publisher ad server business?

24 A. We have used OpenX primarily as a
25 programmatic SSP and have not evaluated them

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 because of the connections between DFP and
3 AdX?

4 MS. MORGAN: Objection to form,
5 lacks foundation.

6 MR. BLAISDELL: Object to form.

7 A. I believe it's difficult to answer,
8 because there are unique propositions by most
9 ad tech companies whether it be SSPs or ad
10 servers that are competing with one another,
11 and my spec -- my opinion would be purely
12 speculation, whether it was hard or not.

13 Q. Can you identify a strong
14 competitor for Google as a publisher ad
15 server today?

16 MS. MORGAN: Objection to form.

17 A. For The New York Times we have not
18 recently RFI'd solutions for ad serving and
19 we have not taken the actions to identify a
20 potential replacement to Google Ad Manager.

21 Q. Do you know whether there is a lot
22 of competition for Google as a publisher ad
23 server today for display?

24 MR. BLAISDELL: Object to form.

25 MS. MORGAN: Objection to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. It depends on what Google perceives
3 as competition for both ad serving and
4 monetization, and I would not be in the
5 position to say whether or not there is high
6 level of competition that Google perceives or
7 not.

8 Q. Could you at least understand why
9 it might be hard to compete with Google in
10 the publisher ad server business because of
11 the connections between DFP and AdX?

12 MS. MORGAN: Objection to form.

13 MR. BLAISDELL: Object to form.

14 A. I can reasonably understand that as
15 a reason that others may point to.

16 Q. Is it fair to say that it could be
17 better for competition if AdX were available
18 separately from DFP?

19 MS. MORGAN: Objection to form.

20 MR. BLAISDELL: Object to the form.

21 A. In this hypothetical scenario,
22 assuming that there were available
23 competitors of potential -- or of the
24 necessary size to compete and fill the vacant
25 inventory, it would be potentially beneficial

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 in this hypothetical scenario.

3 Q. So it's fair to say that it could
4 be potentially beneficial for publishers to
5 have the option to use DFP without using AdX;
6 is that correct?

7 MS. MORGAN: Objection to form.

8 MR. BLAISDELL: Object to form.

9 A. If it was exclusively focused on
10 programmatic open auction revenue that would
11 be potentially a benefit in this hypothetical
12 scenario. However, there are other
13 considerations publishers would need to
14 consider and ensure that they have taken on
15 the understanding of the operational burden
16 and tax that it would require the
17 infrastructure, the capital intensivity in
18 both in costs and in also how it would impact
19 their other lines of business.

20 So it's not purely just an open
21 auction answer.

22 Q. Is it fair to say that it could be
23 good for competition in the publisher ad
24 server business if AdX were available
25 separately from DFP?

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MS. MORGAN: Objection to form.

3 A. In this hypothetical scenario, with
4 the appropriate competitors, of the size, to
5 fill this space that is being left behind in
6 this decision, it could be potentially
7 beneficial. However, there are other factors
8 that publishers would need to consider in
9 that switch or change in their strategy.

10 Q. Why do you say that it could
11 potentially be beneficial for competition for
12 AdX to be available separately from DFP?

13 A. It's not a certainty that
14 competition will meet the current level of
15 competition, and because of that, I cannot
16 unequivocally confirm that it would be a
17 benefit or not.

18 Q. Setting aside whether it's a
19 certainty, why do you say that it could be
20 better for competition if AdX were separately
21 available from DFP?

22 A. Theoretically there could be more
23 players in the space, which could potentially
24 drive up CPMs and benefit publishers
25 ultimately to make more revenue.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 A. For programmatic open and PMP,

3 [REDACTED]

4 [REDACTED].

5 Q. When The New York Times is
6 competing to sell display ads to advertisers,
7 what format is its primary competitor? Is it
8 display or native or something else?

9 MS. MORGAN: Objection to form.

10 A. Can you clarify, programmatic or
11 direct?

12 Q. Both, then I guess if the answer --
13 both.

14 A. Programmatically our primary
15 competition is display ads, and for direct,
16 we are focused on selling our proprietary ad
17 formats, which could be considered native,
18 and we do consider them native because they
19 take on the look and feel of The New York
20 Times.

21 Q. For programmatic display ads, when
22 The New York Times is competing to when, to
23 sell ads to advertisers, what format is your
24 primary competition?

25 MR. BLAISDELL: Object to form.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MS. MORGAN: Objection to form.

3 A. Display.

4 Q. Counsel also asked you about AdX
5 tags. Do you remember that?

6 A. I do recall.

7 Q. I think earlier in your deposition
8 you said that tags were inefficient; was that
9 correct?

10 MS. MORGAN: Objection to form.

11 A. Traditionally, we have seen tags as
12 being [REDACTED]

[REDACTED].

14 Q. Why do you view tags as [REDACTED]
[REDACTED]?

16 A. It is our --

17 MR. BLAISDELL: Objection. Sorry.
18 Object to form.

19 A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 [REDACTED]

3 [REDACTED]

4 MR. VERNON: So I am going to pass
5 the witness and again reserve the
6 balance of my time either to respond to
7 questions by Google's counsel or for the
8 document issue that I identified before.

9 MR. BLAISDELL: I will just
10 reiterate we don't intend to make the
11 witness available again. I'll also note
12 for the record that based on my
13 understanding of the coordination order,
14 the Department of Justice has already
15 exceeded three hours on the record
16 today, and therefore, I'm not totally
17 clear on what time Mr. Vernon has
18 reserved, but that's something we can
19 work out at a subsequent juncture.

20 MS. MORGAN: Well, I think I will
21 make this easy for everyone, and I am
22 not going to have any further questions
23 for you today, Mr. Glogovsky. To the
24 extent that Jeff prevails and is able to
25 secure more time with u in the future, I

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 will reserve the rest of my time to use
3 then.

4 MR. VERNON: Thank you
5 Mr. Glogovsky, to Demetri and the court
6 reporter, Google's counsel and
7 everybody. Definitely appreciate it.
8 It's been a long day and we thank you
9 for your time.

10 MS. MORGAN: I second that. Thank
11 you. I know it's painful to sit for a
12 deposition, especially on a summer
13 Friday, and we really appreciate the
14 time.

15 MR. BLAISDELL: Sorry. Just before
16 we go off the record, I will also note
17 that The Times also objects to
18 Ms. Morgan's attempt to reserve time for
19 some subsequent deposition. We've made
20 the witness available now for the time
21 that the parties were permitted to
22 examine him, and it's our position that
23 there will be no further deposition for
24 no further questioning by either party
25 to this case.

1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 THE VIDEOGRAPHER: Okay to close
3 the record?

4 MS. MORGAN: Yes, we can close it.

5 THE VIDEOGRAPHER: Standby. This
6 concludes today's deposition given by
7 James Glogovsky. The number of media
8 units used is six and will be retained
9 by Veritext Legal Solutions. We are
10 going off the record at 5:26 p.m.,
11 Eastern Daylight Time. Thank you,
12 everybody. Have a great weekend. Nice
13 working with you.

14 (Time noted: 5:26 p.m.)
15
16
17
18
19
20
21
22
23
24
25

1
2 STATE OF _____)
3) :ss
4 COUNTY OF _____)
5
6

7 I, JAMES GLOGOVSKY, the witness
8 herein, having read the foregoing
9 testimony of the pages of this
10 deposition, do hereby certify it to be a
11 true and correct transcript, subject to
12 the corrections, if any, shown on the
13 attached page.
14

15 _____
16 JAMES GLOGOVSKY
17

18 Sworn and subscribed to before
19 me, this _____ day of
20 _____, 2023.
21

22 _____
23 Notary Public
24

25 Job No. CS6072653

C E R T I F I C A T E

STATE OF NEW JERSEY)

: ss.

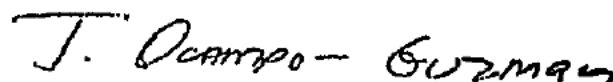
COUNTY OF MIDDLESEX)

I, Jennifer Ocampo-Guzman, a
Certified Realtime Shorthand Reporter and
Notary Public within and for the State of New
Jersey, do hereby certify:

That JAMES GLOGOVSKY, the witness
whose deposition is hereinbefore set forth,
was duly sworn, via remote/oral/web
videoconference, and that such deposition is
a true record of the testimony given by the
witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no
way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 27th day of August
2023.



JENNIFER OCAMPO-GUZMAN, CRR, CLR

----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
JAMES GLOGOVSKY	MS. MORGAN	6, 287
	MR. VERNON	140

----- EXHIBITS -----

NYT	FOR I.D.
-----	----------

Exhibit 1, Document entitled, "Ad 41
Leadership Update-March4," Bates
Nos. NYTGOOGADTECH0000004 through
NYTGOOGADTECH0000019

Exhibit 2, Document entitled, 81
"Nytimes.com/ad.txt."

Exhibit 3, Document entitled, 103
"Index Exchange Bidder Test
Results," Bates Nos.
NYT_TXAG_00000108 through
NYT_TXAG_00000115

Exhibit 4, E-mail dated 10/25/18, 124
Bates Nos. GOOG-DOJ-AT-00587215 and
GOOG-DOJ-AT-00587216

1 Demetri Blaisdell Esq.

2 dblaisdell@nytimes.com

3 August 28, 2023

4 RE: United States, Et Al v. Google, LLC

5 8/25/2023, James Glogovsky (#6072653)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 erratas-cs@veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,

23 Veritext Legal Solutions
24
25

1 United States, Et Al v. Google, LLC

2 James Glogovsky (#6072653)

3 E R R A T A S H E E T

4 PAGE_____ LINE_____ CHANGE_____

5 _____

6 REASON_____

7 PAGE_____ LINE_____ CHANGE_____

8 _____

9 REASON_____

10 PAGE_____ LINE_____ CHANGE_____

11 _____

12 REASON_____

13 PAGE_____ LINE_____ CHANGE_____

14 _____

15 REASON_____

16 PAGE_____ LINE_____ CHANGE_____

17 _____

18 REASON_____

19 PAGE_____ LINE_____ CHANGE_____

20 _____

21 REASON_____

22 _____

23 _____

24 James Glogovsky

Date

25 _____